Town of Arlington, MA
Redevelopment Board

Agenda & Meeting Notice
July 11, 2022

The Arlington Redevelopment Board will meet Monday, July 11, 2022 at 7:30 PM in the **Town Hall Auditorium 730 Massachusetts Avenue, Arlington, Massachusetts 02476.**

1. Public Hearing

7:30 p.m. **Environmental Design Review Special Permit**
Docket #3704, 18-20 Belknap Street
- Applicant will be provided 10 minutes for an introductory presentation.
- DPCD staff will be provided 5 minutes for an overview of their updated Public Hearing Memorandum.
- Members of the public will be provided time to comment.
- Board members will discuss Docket and may vote.

2. Board Retreat

8:15 p.m. Discuss dates for fall Board Retreat

3. Open Forum

8:30 p.m. Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

4. Adjourn

9:00 p.m. *Estimated time of adjournment*

5. Correspondence

Correspondence received from:
A. Ellinger 7-6-2022
C. Loreti 7-6-2022
D. and P. Bermudes 7-8-2022
D. Seltzer 7-8-2022
D. Borenstein 7-11-2022



Town of Arlington, Massachusetts

Public Hearing

Summary:

7:30 p.m. **Environmental Design Review Special Permit**
Docket #3704, 18-20 Belknap Street

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- Members of the public will be provided time to comment.
- Board members will discuss Docket and may vote.

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	EDR_Public_Hearing_Memo_Docket_3704_18-20_Belknap.pdf	EDR Public Hearing Memo Docket #3704 18-20 Belknap Street
🗋	Reference Material	18-20_Belknap_Street_-_Combined_Application_Materials_updated_07072022.pdf	Docket 3704 18-20 Belknap Street Combined Application Materials
🗋	Reference Material	18-20_Belknap_Street_-_Approved_Floor_Plans_-_With_Attic_Half_Story_Delineations_-_061522.pdf	18-20 Belknap Street Approved Floor Plans with Attic Half Story Delineations 061522
🗋	Reference Material	18-20_Belknap_Street_-_Attic_Half_Story_-_Cross_Section_-_070622.pdf	Docket 3704 18-20 Belknap Street Attic Half Story Cross Section 07062022

Town of Arlington, Massachusetts

Department of Planning & Community Development

730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board

From: Kelly Lynema, Secretary Ex-Officio

Subject: Environmental Design Review, 18-20 Belknap Street, Arlington, MA
Docket #3704

Date: July 7, 2022

I. Docket Summary

This is an application filed on June 16, 2022 by Spy Pond Development, LLC, 2464 Massachusetts Avenue, Cambridge, MA to renovate and convert the existing building at 18-20 Belknap Street, Arlington, MA to its original nonconforming use as a four-unit residential building within the R22 Two-Family District. The opening of Special Permit Docket #3704 will allow the Board to review and approve the project under Section 3.4, Environmental Design Review.

The Applicant proposes to renovate and convert the existing building from an illegal six-unit residential building to its original nonconforming use as a four-unit residential building in the R2 Two-Family District, which is the most recent legally nonconforming use of the property. The renovation includes the demolition of the prior accessory garage, rehabilitation of a structure that has fallen into disrepair, the introduction of usable open space to the site, and additions to the front, rear, and third story of the building. The application is before the Board because a small portion of the property abuts the Minuteman Bikeway.

Materials submitted for consideration of this application:

- Application for EDR Special Permit and Impact Statement, dated June 15, 2022;
- Existing and Proposed Site Plans, dated January 24, 2022;

- Floor Plans and Elevations, dated July 28, 2021;
- Existing Conditions Plans, undated circa 2021 ;
- Memorandum from Town Counsel, Douglas W. Heim, re: Opinion Re: Scope and Limits of ARB Authority, dated August 13, 2020; and
- Floor Plans with Half Story Delineations, dated June 15, 2022.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The site is currently located in the R2 Two-Family zoning district. The building was originally constructed around 1910 as a four-unit building, and later allowed as a pre-existing nonconforming use upon the Town's adoption of the Zoning Bylaw.[1] The use was continued through at least 1967; in 1968, Arc Realty Trust (the owner at the time) petitioned the Zoning Board of Appeals (ZBA) for a variance to convert the building from four units to six units (ZBA Docket No. 976). The application was denied. In 1980, Arc Realty Trust again petitioned the ZBA for a variance to convert the building from four units to six units and to grant a special permit to continue the use of an existing six-unit building (ZBA Docket 2327 and 2328). The application was again denied, however the illegal use as a six-unit building was continued until the current Applicant purchased the building.

Over recent years and prior to the Applicant's acquisition of the property, the building had fallen into disrepair, and was maintained as an illegal, non-permitted, six-unit structure. The Applicant has made significant improvements to the façade and proposes to convert the building from its prior illegal use as a six-unit apartment building to its pre-existing nonconforming use as a four-unit building. While a four-unit building is not allowed by right or by special permit in the R2 zoning district, the Board may choose to grant a Special Permit for the proposed use under Section 8.1.2(B) as an extension of a legally nonconforming use if it makes a finding provided for in M.G.L. c. 40A, Section 6 that the extended nonconforming use is not more detrimental to the neighborhood than the existing use.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

[1] The Middlesex South Online Registry of Deeds does not date back to the early 1900s, however the 1912 Arlington Directory lists four individual units occupied at 14-16 Belknap Street, 18-20 Belknap Street, and 28-30 Belknap Street, serving as evidence of several four-unit buildings existing in the neighborhood, predating the Town's adoption of the Zoning Bylaw which ultimately made these uses pre-existing nonconformities. https://archive.org/details/arlingtoncitydir1912arli/page/218/mode/2up

Although the neighborhood is zoned R2, which generally allows one- and two-family dwellings, two other abutting structures have similar pre-existing nonconforming uses as four-unit buildings, and there exist other multi-family buildings in the immediate neighborhood, which contribute to a diversity of housing options in the Town. The Board can find that this condition is met.

3. **Section 3.3.3.C.**
 The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

 The proposed four-unit residential use is the same as the pre-existing, nonconforming use that has been on the site for many years. As such, it will not create any additional traffic or pedestrian safety impacts in the area. The Board can find that this condition is met.

4. **Section 3.3.3.D.**
 The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

 The proposed four-unit residential use would replace the six-unit residential use, which has been on the site for many years and has not overloaded any public utilities. The Board can find that this condition is met.

5. **Section 3.3.3.E.**
 Any special regulations for the use as may be provided in the Bylaw are fulfilled.

 No special regulations are applicable to the proposal.

6. **Section 3.3.3.F.**
 The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

 The pre-existing nonconforming use has been present in this neighborhood at this building and other adjacent buildings for more than a century, and does not impair the integrity or character of the neighborhood. The Board can find that this condition is met.

7. **Section 3.3.3.G.**
 The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

 The proposed use is a reduction in the number of residential units as were provided in the previous use. The Board can find that this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The site's prior condition was predominately impervious. The Applicant proposes to remove a detached garage from the rear of the site and remove pavement from 1,428 square feet of the rear yard, converting it to usable open space. The amount of landscaped open space will increase from 1,268 to 1,467 square feet (+199 square feet). The Board can find that this condition is met.

2. EDR-2 Relation of the Building to the Environment

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

The most recent legally nonconforming use on the property was a four-unit residential building. The Applicant intends to maintain this density, which is consistent with several other properties in the neighborhood. Although the number of units will decrease, the proposed project includes two additions that will expand the building's footprint, and two shed dormers that will increase the gross floor area of the top floor.

Note that floor area ratio (FAR) applies to this structure because of its four-unit use. In the R2 district, the FAR of single-family and two-family homes is not limited to a maximum number, while other permitted structures are limited to 0.35. As a result of its nonconforming use, the existing structure is nonconforming with respect to Floor Area Ratio (FAR) and the proposed expansion of the building will increase this nonconformity. However, staff were unable to accurately confirm the existing and proposed FAR from the application materials. There are conflicting calculations within the submitted materials regarding the existing and proposed total gross floor area. The Applicant should be prepared to clarify these calculations for the Board, if requested.

Regardless of clarification on the calculation of FAR, both the existing and proposed building exceed the allowable FAR in the R2 Zoning District. To better understand how the existing and proposed massing of the building compare to buildings in the immediate area, staff used Town Assessor data to compare the ratio of land area to gross floor area of the neighboring properties below using the assessor database. Note that a calculation of FAR for each building could not be calculated for these properties

based on assessor data, as the Zoning Bylaw calculation of Gross Floor Area is different than the Town Assessor definition of "gross area".

Address	Land Area (sf)	Gross Area (sf)	Gross Area/ Land Area
12 Belknap St	7,291	5,463	0.75
22-24 Belknap	10,440	5,319	0.51
25 Linwood	7,435	5,910	0.79
19 Linwood	6,283	5,488	0.87
22 Linwood	6,405	5,582	0.87
18-20 Belknap (current)	8,824	7,868	0.89
17 Marion Rd	4,845	4,975	1.03
18-20 Belknap (proposed)	8,824	9,146*	1.04
17-19 Belknap	5,055	5,494	1.09
18 Marion Rd	4,850	5,476	1.13
13-15 Belknap St	7,440	8,502	1.14
14-16 Belknap St	6,910	8,010	1.16
15 Marion Rd	4,821	5,874	1.22
28-30 Belknap	8,850	12,114	1.37

Based on the above calculations the massing of the proposed building, while larger than the existing building, is not out of scale or character with the many of the surrounding buildings in the neighborhood.

On July 7, 2022, the Applicant provided updated materials indicating the area of the third level that is greater than 7 feet 0 inches in height. Specific area calculations were not provided. Based on this information, it is possible but unclear from the submitted materials whether the third level conforms with the definition of a half story in Section 2 of the Zoning Bylaw. The proposed dormers on the roof may work to make the altered structure a three-story building, where only two and a half stories are allowed in the R2 district. The Applicant should be prepared to clarify whether the third level meets the definition of a half story and clarify their calculations for the Board, if requested.

After conferring with Town Counsel, because the property is under ARB jurisdiction per Section 3.4.2(A), the ARB can choose to make a determination approving the extension of legally nonconforming dimensions. Overall, the Board may want more detailed information regarding the proposed increase in floor area, the calculation of FAR, and whether the proposed dormers comply with the definition of half story.

3. **EDR-3 Open Space**

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open

space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

There is currently no usable open space on the site. The Applicant proposes to demolish a detached garage and remove impervious pavement at the rear of the site and establish usable open space in the back yard. The Board can find that this condition is met.

4. **EDR-4 Circulation**

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

Eight parking spaces (two tandem spaces per unit) will be provided at the rear of the site. Each space will be assigned to a dwelling unit to ensure orderly vehicular circulation. While the Zoning Bylaw does not provide parking minimums for townhome structures, the Applicant is providing two parking spaces per unit, which meets the minimum number of spaces required for a 3 or more bedroom apartment.

The Applicant has not proposed exterior bicycle parking spaces, however per Section 6.1.12 there is no minimum number of long or short term bicycle parking spaces required for townhouse structures.

The Board can find that this condition is met.

5. **EDR-5 Surface Water Drainage**

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

In accordance with Section 3.3.4., the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

The proposal includes a reduction in the impervious surface on site and the addition of landscaped areas. This should improve surface water drainage over existing conditions. The Board can find that this condition is met.

6. **EDR-6 Utilities Service**
 Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

 Utility access will not change as a result of this proposal. The Board can find that this condition is met.

7. **EDR-7 Advertising Features**
 The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

 This is a residential project. There will be no signage or advertising features on the property. The Board can find that this condition is met.

8. **EDR-8 Special Features**
 Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

 This is a residential project. There are no special features proposed. The Board can find that this condition is met.

9. **EDR-9 Safety**
 With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and

interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

The building will contain a full sprinkler system and individual units will be clearly marked. Open spaces will be fenced to maintain residents' privacy. The Board can find that this condition is met.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The building and property are not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington.* The Board can find that this condition is met.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

There are no proposed changes that would affect the microclimate. The Board can find that this condition is met.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

A LEED checklist was not provided.

IV. Conditions

A. General

1. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington

Redevelopment Board.

2. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.

3. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.

4. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.

PLANNING & COMMUNITY DEVELOPMENT

TOWN OF ARLINGTON
REDEVELOPMENT BOARD 2022 JUN 16 P 5:04
Application for Special Permit In Accordance with Environmental Design Review Procedures (Section 3.4 of the Zoning Bylaw)

Docket No. 3704

1. Property Address 18-20 BELKNAP STREET, ARLINGTON, MA 02474
Name of Record Owner(s) SPY POND DEVELOPMENT, LLC Phone 617-835-0555
Address of Owner 2464 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02140
Street City, State, Zip

2. Name of Applicant(s) (if different than above) _____
Address _____ Phone _____
Status Relative to Property (occupant, purchaser, etc.) _____

3. Location of Property MAP: 008.0 BLOCK: 0002 LOT: 0005.0
Assessor's Block Plan, Block, Lot No.

4. Deed recorded in the Registry of deeds, Book 78258, Page 582;
-or- registered in Land Registration Office, Cert. No. _____, in Book _____, Page _____.

5. Present Use of Property (include # of dwelling units, if any) 6 NONCONFORMING RESIDENTIAL RENTAL UNITS

6. Proposed Use of Property (include # of dwelling units, if any) 4 OWNER-OCCUPIED TOWNHOUSE RESIDENCES

7. Permit applied for in accordance with the following Zoning Bylaw section(s)

section(s)	title(s)
3.4	ENVIRONMENTAL DESIGN REVIEW
3.4.2(A)	CONSTRUCTION OR RECONSTRUCTION ON A SITE ABUTTING MINUTEMAN BIKEWAY.

8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

PLEASE REVIEW ENTIRE ARB EDR APPLICATION PACKAGE IN DETAIL.

(In the statement below, strike out the words that do not apply)

The applicant states that SPY POND DEVELOPMENT, LLC is the owner -or- occupant -or- purchaser under agreement of the property in Arlington located at 18-20 BELKNAP STREET, ARLINGTON, MA 02474 which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

RECEIVED

Signature of Applicant(s)

2464 MASSACHUSETTS AVENUE 617-835-0555
Address CAMBRIDGE, MA 02140 Phone

2022 JUN 17 AM 11:20
TOWN CLERK'S OFFICE
ARLINGTON, MA 02174

Updated August 28, 2018

Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested. Review the ARB's Rules and Regulations, which can be found at arlingtonma.gov/arb, for the full list of required submittals.

- ✓ Dimensional and Parking Information Form (see attached)
- ✓ Site plan of proposal
- N/A Model, if required
- ✓ Drawing of existing conditions
- ✓ Drawing of proposed structure
- ✓ Proposed landscaping. May be incorporated into site plan
- ✓ Photographs
- ✓ Impact statement
- N/A Application and plans for sign permits
- N/A Stormwater management plan (for stormwater management during construction for projects with new construction

FOR OFFICE USE ONLY

_____ Special Permit Granted Date: _____

_____ Received evidence of filing with Registry of Deeds Date: _____

_____ Notified Building Inspector of Special Permit filing Date: _____

TOWN OF ARLINGTON
Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. 3764

Property Location 18-20 BELKNAP STREET

Zoning District R2

Owner: SPY POND DEVELOPMENT, LLC

Address: 2464 MASSACHUSETTS AVENUE CAMBRIDGE, MA 02140

Present Use/Occupancy: No. of Dwelling Units:

6 NONCONFORMING RENTAL APARTMENTS

Uses and their gross square feet:

RENTALS 5,228SF

Proposed Use/Occupancy: No. of Dwelling Units:

4 OWNER-OCCUPIED RESIDENCES

Uses and their gross square feet:

OWNER-OCCUPIED RESIDENCES 5,717 SF

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	7,824SF	7,824SF	min. 6,000SF
Frontage	50FT	50FT	min. 60FT
Floor Area Ratio	.67	.78	max. .35
Lot Coverage (%), where applicable	30.8%	30.4%	max. 35%
Lot Area per Dwelling Unit (square feet)	1,304SF	1,956SF	min.
Front Yard Depth (feet)	25.3FT	20.3FT	min. 20FT
Side Yard Width (feet) right side	3.1FT	3.1FT	min. 10FT
left side	9.4FT	9.4FT	min. 10FT
Rear Yard Depth (feet)	70.8FT	65.8FT	min. 20FT
Height			min.
Stories	2.5	2.5	stories 2.5
Feet	31.9	32.2	feet 35
Open Space (% of G.F.A.)			min. 10% OF 6153 (GFA) 30% OF 6153 (GFA)
Landscaped (square feet)	1,268SF	1,467SF	(s.f.)
Usable (square feet)	0	1,428	(s.f.)
Parking Spaces (No.)	6	8	min.
Parking Area Setbacks (feet), where applicable			min.
Loading Spaces (No.)			min.
Type of Construction	FIRE PROTECTED WOOD FRAME		
Distance to Nearest Building			min.

TOWN OF ARLINGTON
Open Space / Gross Floor Area Information

Refer to Section 2: *Definitions*, and Section 5: *District Regulations* in the Zoning Bylaw of the Town of Arlington before completing this form.

Address: 18-20 Belknap Street **Zoning District:** R2

OPEN SPACE*	EXISTING	PROPOSED
Total lot area	7824	7824
Open Space, Usable	0	1428
Open Space, Landscaped	1268	1467

* Refer to the Definitions in Section 2 of the Zoning Bylaw.

GROSS FLOOR AREA (GFA) †		
Accessory Building	448.68	0
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	0	0
1st Floor	1,956.83	2,382.04
2nd Floor	1,956.83	2,223.00
3rd Floor	0	0
4th Floor	0	0
5th Floor	0	0
Attic (greater than 7'-0" in height, excluding elevator machinery, or mechanical equipment)	1040.79	1,112.49
Parking garages (except as used for accessory parking or off-street loading purposes)	0	0
All weather habitable porches and balconies	319.33	435.74
Total Gross Floor Area (GFA)	**5,722**	**6,153**

† Refer to Definition of Gross Floor Area in Section 2 and Section 5 of the Zoning Bylaw.

REQUIRED MINIMUM OPEN SPACE AREA		
Landscaped Open Space (Sq. Ft.)	1268	1467
Landscaped Open Space (% of GFA)	24%	18.4%
Usable Open Space (Sq. Ft.)	0	1428
Usable Open Space (% of GFA)	0%	23.2%

This worksheet applies to plans dated 07/08/2021 designed by MF Engineering & Design, Inc.

Reviewed with Building Inspector: Richard Vallarelli Date: 09/27/2021

Background and Statement of Intent

Spy Pond Development, LLC (Spy Pond) applied for a building permit including a full gut renovation and expansion of an existing building at the site, following multiple discussions with members of the Building Department, and having filed a demolition permit application with the Building Department. The demolition permit was approved as Building Permit Number 00674 on July 30, 2021. The building permit for the full gut renovation and expansion of the building was approved as Building Permit Number 01671 on September 24, 2021. The property consisted of six (6) nonconforming residential units and Spy Pond proposed reducing the six (6) units to four (4) units. Construction proceeded in connection with the building permit(s) issued as Building Permit Number 01671.

Following construction of, and passing rough inspection for, the four (4) residential units in accordance with architectural plans filed with the application for building permit, Spy Pond was subsequently notified during March 2022 that it was required to apply for a Special Permit in connection with the provisions of Section 8.1.8 of the Zoning Bylaw. Spy Pond once again followed instructions from the Building Department and applied for relief with the ZBA. A hearing date was scheduled for Spy Pond to be heard on April 26, 2022. That hearing was then postponed to May 10, 2022. On or around May 9, 2022, Spy Pond was then notified by the Zoning Board of Appeals (ZBA) that it should withdraw its application since the appropriate venue for its relief under Special Permit is the Arlington Redevelopment Board (ARB). Which is what brings Spy Pond in front of you today.

Spy Pond invested significant time and funding on researching this property and its potential, as represented by the Building Department. Spy Pond worked closely with the Building Department to verify due diligence about the property. Spy Pond was instructed to complete the building as it had been permitted by the Building Department. Even when the Building Department realized there was an issue with the permitting, it had subsequently instructed Spy Pond to continue with its interior finish work.

Now that Spy Pond has already fully built out the building according to its permitted plans, including but not limited to – full gut renovation, expansion of the front and rear foundation and façade, expansion of the roofline, fully replaced foundation, all windows, doors, and skylights, all interior partition walls, all mechanicals (plumbing/electrical/HVAC), fully installed sprinkler system, full insulation, full wall sheathing (sheet rock), fully plastered walls, full roofing, partially completed exterior siding, and more – with the blessing of the ARB it is the intent of Spy Pond to complete its renovation as it was permitted by the Building Department.

However, Spy Pond is not proposing that the ARB issue a Special Permit in this instance simply because it was permitted for this development. Nor is Spy Pond proposing that the ARB issue a Special Permit due to Spy Pond's hardship situation as a result of this mistake by the Building Department, albeit very real. Spy Pond respectfully implores the ARB to consider the positive impact of this development on its neighborhood. Not only does the massing of the property change minimally and remain compliant and in-line with neighboring properties, specifically 2-6 unit buildings on Belknap Street, the following benefits are realized:

- 6 non-owner-occupied rental apartments have been converted into 4 owner-occupied homes.
- Homeownership and personal accountability in the neighborhood will increase.

- A poorly maintained unsightly building was replaced by a newly renovated one with dramatically improved curb appeal.
- An unsafe crumbling foundation was replaced with brand new modern concrete structure.
- Old faulty materials and mechanical systems have been replaced with modern energy efficient models ensuring longevity into the distant future.
- A new sprinkler system was installed throughout the building for the safety of residents and neighboring properties, where there was not one previously.
- Usable open space of 1,428SF has been created from literally zero.
- Lot coverage percentage is lower than previous.
- An impervious asphalt driveway covering almost the entire lot was partially removed and replaced with newly created usable open space, in addition to four new individual resident green spaces.
- Basement bulkheads and an antiquated unsightly fire escape have been removed.
- Site drainage has increased dramatically due to removal of impervious surfaces and structures.
- Toxic asbestos siding was removed and properly disposed of.
- An old concrete garage blocking the driveway view and impeding automobile maneuverability was demolished.
- Building is same height as previous.
- Building is same width as previous.
- Building has shorter overall depth than previous.
- Building front setback matches neighboring properties.
- Building rear setback is in line and not out of character with the neighborhood, shorter than other structures on the street and clearly out of view from the street.
- Neighbors will enjoy increased property valuations as a result of this development.
- The Town of Arlington will benefit from an increased tax base.

In summary, the proposed structure is no more invasive than the previous structure, with the benefits far outweighing any perceived disadvantages.

* Note: If this application is denied and the proposed structure was to be reconstructed in such a manner that it only includes its existing FAR with no increase, it would maintain its current stature (e.g. same height, same width, and same depth). There would be no material change in its massing due to how FAR is calculated under the Zoning Bylaw.

Statement Describing Proposal

TOWN OF ARLINGTON REDEVELOPMENT BOARD Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability) For projects subject to Environmental Design Review, (see Section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

1. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The site was largely impervious bituminous pavement with a concrete garage. The new design creates multiple grass and planting areas, including a large swath of open space where there was previously zero, and individual green spaces for each of its residents. Resulting in lot coverage being reduced from 30.8% to 30.4%.

2. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.

The renovations are designed to improve the residential character of the building, uplifting the curb appeal of itself and improving the overall neighborhood. The building's massing conforms with neighboring properties when comparing gross building area relative to lot size, and the building's overall height/width/depth, etc.

3. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

Usable open space has increased from zero to 1,428SF. Landscaped open space has increased from 1,268SF to 1,467SF. See site plan for details.

4. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

Vehicular circulation has improved. Existing parking consisted of a 2-car garage and basement

bulkheads that cars were required to maneuver around in order to park in undesignated/non-delineated areas. The proposed parking plan clearly outlines 2-car parking per unit offering clear lines of site and room to safely maneuver in and out of the individual clearly defined driveways. See site plan for details.

5. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas. In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

Surface water drainage will be dramatically improved by reducing a large amount of impervious surfaces and creating a large amount of pervious grassy and landscaped areas that did not exist previously. See site plan for details.

6. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

Utility service access remains unchanged, although brand new upgraded and safer services will be installed to service the proposed building for an indefinite period of time into the future.

7. Advertising Features. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw. 4 Updated August 28, 2018

Property is residential and as such will have no advertising associated with it.

8. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

This is a residential property and there are no special features anticipated.

9. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

Individual resident open spaces will be fully fenced and the building will contain a full sprinkler system for resident and neighborhood safety and security. Individual units will be clearly marked and identifiable.

10. Heritage. With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

Heritage is not impacted by this renovation, as the property is not historic or uniquely interesting. The proposed design is consistent with the neighborhood including the most recent renovation of four (4) townhouse units approved and completed at 13-15 Belknap Street by Spy Pond.

11. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

The proposed development adds a large amount of green space, open air decks, and an increased number of windows and skylights, offering its residents exposure to natural air and light sources.

12. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project. [LEED checklists can be found at http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b]

LEED design is not applicable to this residential development.

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw):

1. The use requested is listed as a special permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The use requested is listed in the Table of Use Regulations as a special permit in the district for which the application is made or is so designated elsewhere in the Bylaw.

2. The requested use is essential or desirable to the public convenience or welfare.

The requested use reduces the number of residential units from six (6) nonconforming rental apartment units down to four (4) owner-occupied townhouse residences. The requested use inherently increases the responsibility and accountability of its residents since they will be individual owners of

the units as individual properties, rather than renting an apartment from an out-of-town non-resident owner. Please also see Benjamin Bray's letter to the ZBA regarding the troublesome prior use and occupancy of the building.

3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The use will not create undue traffic congestion or any undue impairment of pedestrian safety because the use will be reduced from six (6) units to four (4) units and the parking will be serviced by the existing driveway and curb cut.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

The requested use will not overload any public or Town systems because the residential use is being reduced from six (6) units to four (4) units. Additionally, the project contains more energy efficient mechanical systems and energy efficient materials than previously existed.

5. Any special regulations for the use as may be provided in this Bylaw are fulfilled.

Any special regulations for the requested relief under the Bylaw will be fulfilled.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

As indicated in Response #2, the redesign of the property will enhance the integrity and character of the district or adjoining districts and will not be detrimental to the health, morals, or welfare of the inhabitants of the town.

7. The requested use will not, by its addition to a neighborhood, cause an excess of the particular use that could be detrimental to the character of said neighborhood.

The requested use will remain unchanged in its residential nature. Therefore it will not be an excess of any uses which could be detrimental to the character of the neighborhood in which the property is located.

* Of note is that the ARB is the Town's Planning Board, Redevelopment Authority, and a Special Permit Granting Authority. See Town Counsel's 2020 Opinion ("[T]he ARB is an entity possessing substantial discretion and authority to exceed or waive the provisions of the Bylaw", including "broad discretion to provide modifications, or exceptions to dimensional [and] density . . . regulations" as part of the Environmental Design Review special permitting process). https://www.arlingtonma.gov/home/showpublisheddocument/52673/637340294495730000

18-20 Belknap Street
Arlington, MA 02474

Environmental Impact Statement

The subject property contains 7,824SF of land and is located in an R2 residential zone. The definition in the Zoning Bylaw for a property located in an R2 zone is as follows:

"R2: Two-Family District. The predominant use in R2 is a two-family dwelling or duplex. This district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that would detract from the single-family and two-family or duplex residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw."

Of note, the following appears under Section 5.4.1(A)(3) of the Arlington Zoning Bylaw: "...the following two uses are allowable by special permit: 1) "six or more single family dwellings on one or more contiguous lots"; and 2) "six or more units in two-family dwellings or duplex dwelling on one or more contiguous lots".

Also of note is that the ARB is the Town's Planning Board, Redevelopment Authority, and a Special Permit Granting Authority. See Town Counsel's 2020 Opinion ("[T]he ARB is an entity possessing substantial discretion and authority to exceed or waive the provisions of the Bylaw", including "broad discretion to provide modifications, or exceptions to dimensional [and] density . . . regulations" as part of the Environmental Design Review special permitting process). https://www.arlingtonma.gov/home/showpublisheddocument/52673/637340294495730000

The subject property was built in 1910, and prior to Spy Pond's ownership, it was used by its previous owner as a 6-unit non-conforming rental apartment building. It contained six (6) individual apartments. Each with its own gas appliances and separate metering devices. Its history prior to its previous owner is unknown. However, it was always considered a residential structure. The Building Department and Town Counsel confirmed that the building currently qualifies for a legal non-conforming 4-unit residential usage.

The property is located in a densely populated residential neighborhood containing mostly multifamily 2-6 unit properties. The property has always been used only for residential purposes and the proposed use is also only for residential purposes.

Spy Pond did not initially apply for a Special Permit under any town entity, since it was operating under the guidance and instruction of the Building Department in its permitting process. Had Spy Pond known that a Special Permit was required, it would have requested a by-right permit or it would have proactively gone through the Special Permitting process.

Nonetheless, Spy Pond has minimally increased the building's overall massing in that it retains the same height, the same width, and even shorter depth.

Although Spy Pond has increased the overall interior finished area of the building, it has accomplished this increase while also achieving the following benefits:

- Increase in usable open space from literally zero to 1,428SF
- Reduction in lot coverage percentage
- Minimized impervious driveway areas in favor of pervious areas of grass, andscaping, and private/individual green spaces for its residents. Thus enhancing drainage on the site.

As part of its role, the ARB reviews proposed uses relative to existing neighboring properties. This includes how the proposed structure compares to the massing of other structures in the vicinity and neighborhood. Massing entails the overall configuration and stature of the building. (Its general shape and form as well as size.)

The proposed massing conforms with that of neighboring properties, which have similar stature. Referencing the enclosed Neighborhood Massing and Density table, which compares public record information for similar neighboring properties, it is clear that the proposed use falls in-line with other properties that are within the immediate vicinity and on Belknap Street. It is also clear from the neighborhood pictures that the building conforms to massing and neighborhood design characteristics, such as overall height, width (of 4-unit buildings), typical front and side setbacks, driveway width, etc.

The permit for which Spy Pond applied requires relief from Section 3.4 Environmental Design Review. Spy Pond has addressed the standards of Section 3.4 of the Zoning Bylaw as follows:

1. Lot coverage is reduced from 30.8% to 30.4%
2. The proposed massing conforms with neighboring properties in its gross building area relative to lot size, overall building height, overall building width, and building depth.
3. Usable open space increases from zero to 1,428SF. Landscaped open space increases from 1,268SF to 1,467SF.
4. Vehicular circulation improves through clearly outlined 2-car parking per unit in individual driveways. Resident safety improves as a result of better visibility and maneuverability throughout the parking areas.
5. Surface water drainage dramatically improves by reducing a large amount of impervious surfaces and creating a large amount of pervious grassy and landscaped areas that did not exist previously.
6. Access to utility service remains largely unchanged, although the quality and efficiency of the services are dramatically improved.
7. Property is residential and as such will have no advertising associated with it.
8. Since this is a residential property, no special features are anticipated.
9. Safety will be enhanced through clearly marked units, the latest fireproofing materials, and a brand new sprinkler system.
10. Heritage is not impacted by this proposed use. The property conforms nicely to the neighborhood and is suitable for its intended use.
11. The proposed development adds a large amount of green space, open air decks, and an increased number of windows and skylights, offering its residents exposure to natural air and light sources.
12. LEED design is not applicable to this proposed use.


13-15 BELKNAP
(4 UNITS)
13R
15R


14-16 BELKNAP
(6 UNITS)


17-19 BELKNAP
(2 UNITS)
13R
15R

18-20 BELKNAP
(4 UNITS)

22-24 BELKNAP
(2 UNITS)




21-23 BELKNAP
(2 UNITS)


28-30 BELKNAP (6 UNITS)

17 LINWOOD (2 UNITS)



17 LINWOOD (2 UNITS)




CONFORMING FRONT
SETBACK


CONFORMING FRONT
SETBACK
SHEATHING

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

ZONING BOARD OF APPEALS

ARLINGTON, MASSACHUSETTS

In the matter of	)	
	)	
18-20 Belknap Street	)	
Arlington, Massachusetts	)	Docket Number:
	)	
Spy Pond Development, LLC,	)	
Applicant	)	

ZONING MEMORANDUM OF FACT AND LAW IN SUPPORT OF REQUEST FOR SPECIAL PERMIT

Robert J. Annese, Esquire
1171 Massachusetts Avenue
Arlington, MA 02476
(781) 646-4911
law@robertannese.com

STATEMENT OF FACTS

The subject property is located at 18-20 Belknap Street and is in an R2 Zoning District.

The property is nonconforming. The existing building was constructed in 1910 and the building is located on a lot containing 7,824 square feet.

The Applicant filed for a building permit for a full gut remodel and expansion of an existing building at the site following having filed a demolition application with the Building Department. The demolition application was approved as Building Permit Number 00674 on July 30, 2021.

The building permit for the full gut remodel and expansion of the existing building was approved as Building Permit Number 01671 on September 24, 2021. The property previously consisted of six (6) non-conforming residential units and the Applicant's plans proposed reducing the six (6) units to four (4) units and construction proceeded in connection with the building permit issued as Building Permit Number 01671.

Following construction of the four (4) residential units in accordance with the plans filed with the application for building permit, the Applicant was subsequently informed during March 2022 that it needed to apply for a Special Permit in connection with the provisions of Section 8.1.8 of the Zoning Bylaw which in part states the following:

"Special permit uses are a special class of uses not existing as of right. Except as herein provided, whenever a structure or lot is occupied by a use such as would require a special permit pursuant to Section 3.3 and Section 3.4 when applicable, if such activity were to commence as a new use thereon, then any new reconstruction, alteration, addition or extension of such use or an existing or destroyed structure shall be undertaken only pursuant special permits issued therefore".

The Applicant was not informed that a special permit had to be applied for in accordance with Section 8.1.8 at the time it applied for Building Permit Number 01671 and had the Applicant been so informed it certainly would have done so.

On March 12, 2022, the building contractor for the Applicant received an e-mail from the Building Department indicating that there was no dispute that the property was a

legal four-family building, and that the Applicant could proceed with the interior work at the property but not with the front and rear additions until the Zoning Board acted with respect to a zoning application which needed to be filed.

That e-mail prompted the Applicant to apply for this Special Permit in accordance with the provisions of Section 8.1.8, "Repair, Reconstruction, Extension, Addition" of the Zoning Bylaw.

At that point in time, the work performed by the Applicant at the property following issuance of the Building Permit had proceeded to the point where the additions referenced by the building department had already been completely constructed, on a brand new foundation, along with coinciding interior structural walls and windows and doors, associated mechanical componentry, and to such an extent that finish siding was being installed on the building when the Applicant was told to stop all exterior construction activities and apply for zoning relief.

ARGUMENT OF FACT AND LAW

It is clear that the Applicant has "clean hands" as it certainly would have filed for a Special Permit under Section 8.1.8 of the Zoning Bylaw had it been informed that there was a need to do so before the building permit was issued.

Four townhouses have been constructed at the property and the remaining exterior work cannot proceed without action by the Zoning Board with respect to Section 8.1.8 of the Zoning Bylaw which calls for a Special Permit whenever a structure on a lot is occupied by a use which would require a Special Permit pursuant to Section 3.3 and Section 3.4. if such activity were to commence as a new use at the property.

In this case the prior use of the property was for six residential units and the proposed use is for four residential units which results in a less intensive use of the property and the four-family use has been confirmed as a legal four family use by the Building Department in an e-mail sent to representatives of the Applicant on March 12, 2022.

This matter is not before the Zoning Board with respect to any issue relating to the four-family residential legal status of the property but is before the Zoning Board solely with respect to the provisions of 8.1.8 of the Zoning Bylaw.

Section 3.3.3 of the Zoning Bylaw provides the criteria to be use by the Members of the Zoning Board in determining whether a Special Permit should be granted in any given case.

In part, Section 3.3.3 provides as follows:

A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

B. The requested use is essential desirable to the public convenience or welfare.

C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

D. The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

E. Any special regulations for the use as may be provided in this Bylaw are fulfilled.

F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

It is clear that the use is a nonconforming use as corroborated by the e-mail of the representative of the Building Department to the Applicant dated March 12, 2022.

It is the Applicant's position that the requested use is essential or desirable to the public convenience or welfare because it will continue to maintain residential units in the Town and that is a consideration called for by the terms of the Master Plan.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety as the use will be reduced from six (6) units to four (4) units with less traffic to and from the site.

In addition, the use will not overload any public water or Town utility system because, once again, the use will be less intensive.

Any special regulations for the use provided for the Bylaw would be fulfilled if the Special Permit is granted.

The requested use will not impair the integrity or the character of the neighborhood nor be detrimental to the health and welfare of the neighborhood because there will be a less

intensive use of the site and there will be a decided improvement in the integrity or character of the building which in turn will lend itself to enhancing the integrity and character of the neighborhood.

Lastly, the request use will not by its addition to the neighborhood cause an excess of that use which could be detrimental to the character of the neighborhood.

It is also the Applicant's position that the Members of the Board in examining the Applicant's Request for Zoning Relief can conclude that the requirements of Section 3.3.4 will be complied with in connection with the Applicant's construction plans and, in addition, those plans were considered by representatives of the building department before the building permit was issued on September 24, 2021.

For all of the above reasons, the Applicant respectfully requests that the Zoning Board grants its Request for Special Permit in accordance with the provisions of Section 8.1.8 of the Zoning Bylaw.

Respectfully submitted
Spy Pond Development, LLC
By its attorney,

Robert J. Annese, Esquire
BBO#: 019800
171 Massachusetts Avenue
Arlington, MA 02476
781-646-4911
law@robertannese.com

This card must be visible from the street and accessible for the inspector to sign.

TOWN OF ARLINGTON
BUILDING CARD

Job Address: 18 - 20 BELKNAP STREET

Nature of Work: DEMOLITION ONLY

Conditions:

Building Permit No: 00674 **Date Issued:** JULY 30, 2021

Owner: SPY POND DEVELOPMENT

Contractor: REGINALDO PICCINATO

Inspector must sign all applicable spaces

Inspection	Approved	Not Approved
Excavation, Setbacks & Footing Forms		

Pour no concrete until above is signed

Foundation, Damproofing & Perimeter Drains		

Do not frame until above is signed and checked,
As – built plot plan is filed with Building Dept.

Underground Electrical		
Underground Plumbing/Gas		
Rough Electrical		
Rough Plumbing		
(Above must be signed prior to framing inspection)		
Framing		
Insulation		

Cover no work until above has been signed

Final Electrical		
Final Plumbing		
Final Gas		
Final Mechanical		
Final Department Approval		
(Above must be signed prior to final building inspection)		
Final Building Inspection		

(781)316-3390

Inspector of Buildings or Local Building Inspector

This card must be visible from the street and accessible for the inspector to sign.

TOWN OF ARLINGTON
BUILDING CARD

Job Address: 18 BELKNAP STREET UNIT #1

Nature of Work: FULL GUT REMODEL OF EXISTING BUILDING

Conditions: SEE PLANS

Building Permit No: 01671 **Date Issued:** SEPTEMBER 24, 2021

Owner: SPY POND DEVELOPMENT

Contractor: REGINALDO PICCINATO

Inspector must sign all applicable spaces

Inspection	Approved	Not Approved
Excavation, Setbacks & Footing Forms		

Pour no concrete until above is signed

Foundation, Damproofing & Perimeter Drains		

Do not frame until above is signed and checked,
As – built plot plan is filed with Building Dept.

Underground Electrical		
Underground Plumbing/Gas		
Rough Electrical		
Rough Plumbing		
(Above must be signed prior to framing inspection)		
Framing		
Insulation		

Cover no work until above has been signed

Final Electrical		
Final Plumbing		
Final Gas		
Final Mechanical		
Final Department Approval		
(Above must be signed prior to final building inspection)		
Final Building Inspection		

(781)316-3390

Inspector of Buildings or Local Building Inspector

This card must be visible from the street and accessible for the inspector to sign.

TOWN OF ARLINGTON
BUILDING CARD

Job Address: 18 BELKNAP STREET UNIT #2

Nature of Work: FULL GUT REMODEL OF EXISTING BUILDING

Conditions: SEE PLANS

Building Permit No: 01671 **Date Issued:** SEPTEMBER 24, 2021

Owner: SPY POND DEVELOPMENT

Contractor: REGINALDO PICCINATO

Inspector must sign all applicable spaces

Inspection	Approved	Not Approved
Excavation, Setbacks & Footing Forms		

Pour no concrete until above is signed

Foundation, Damproofing & Perimeter Drains		

Do not frame until above is signed and checked,
As – built plot plan is filed with Building Dept.

Underground Electrical		
Underground Plumbing/Gas		
Rough Electrical		
Rough Plumbing		
(Above must be signed prior to framing inspection)		
Framing		
Insulation		

Cover no work until above has been signed

Final Electrical		
Final Plumbing		
Final Gas		
Final Mechanical		
Final Department Approval		
(Above must be signed prior to final building inspection)		
Final Building Inspection		

(781)316-3390

Inspector of Buildings or Local Building Inspector

This card must be visible from the street and accessible for the inspector to sign.

TOWN OF ARLINGTON
BUILDING CARD

Job Address: 20 BELKNAP STREET UNIT #1

Nature of Work: FULL GUT REMODEL OF EXISTING BUILDING

Conditions: SEE PLANS

Building Permit No: 01671 **Date Issued:** SEPTEMBER 24, 2021

Owner: SPY POND DEVELOPMENT

Contractor: REGINALDO PICCINATO

Inspector must sign all applicable spaces

Inspection	Approved	Not Approved
Excavation, Setbacks & Footing Forms		

Pour no concrete until above is signed

Foundation, Damproofing & Perimeter Drains		

Do not frame until above is signed and checked,
As – built plot plan is filed with Building Dept.

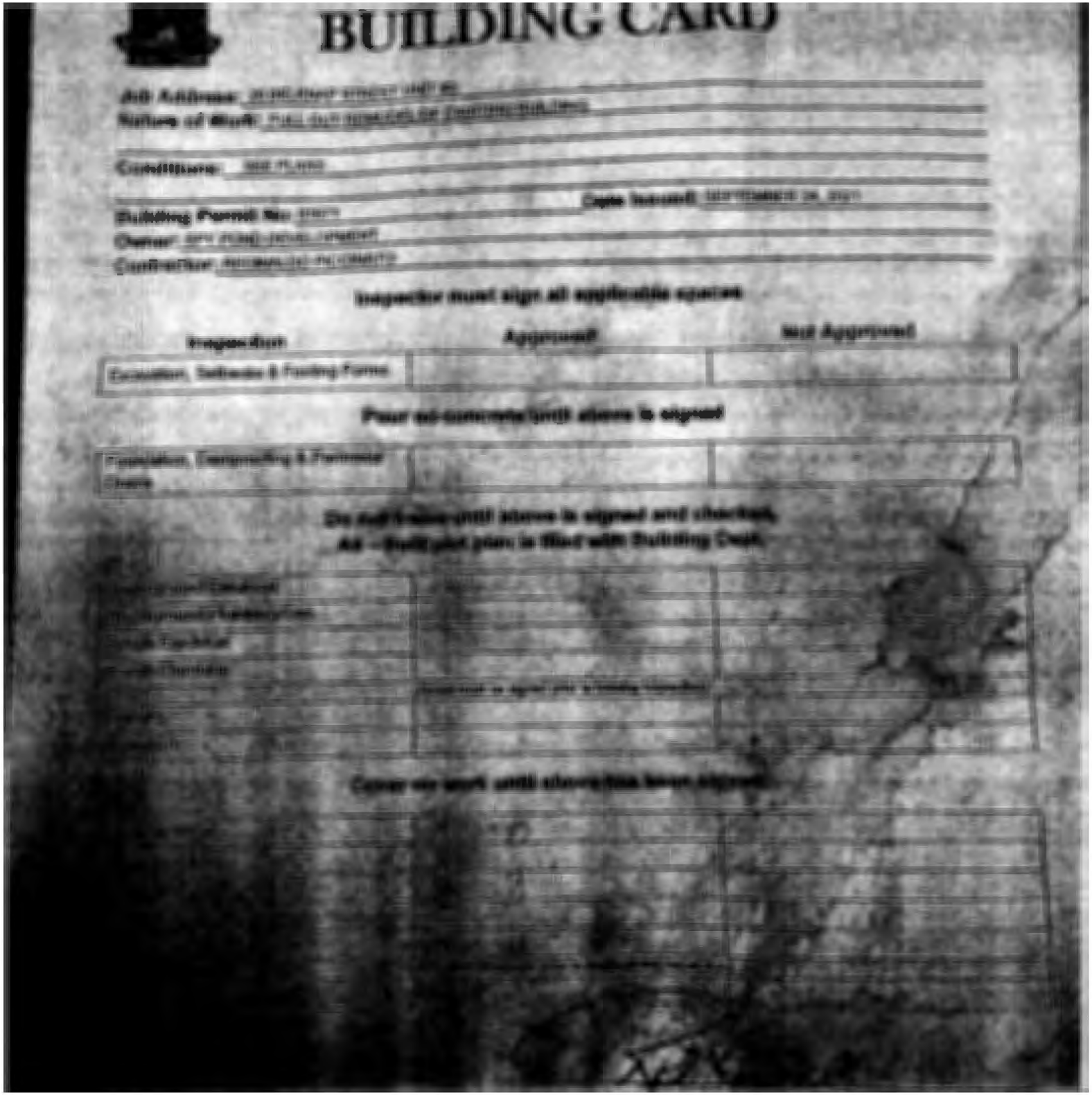
Underground Electrical		
Underground Plumbing/Gas		
Rough Electrical		
Rough Plumbing		
(Above must be signed prior to framing inspection)		
Framing		
Insulation		

Cover no work until above has been signed

Final Electrical		
Final Plumbing		
Final Gas		
Final Mechanical		
Final Department Approval		
(Above must be signed prior to final building inspection)		
Final Building Inspection		

(781)316-3390

Inspector of Buildings or Local Building Inspector



BUILDING CARD

Job Address:

Nature of Work:

Conditions:

Date Issued:

Building Permit No:

Owner:

Contractor:

Inspector must sign all applicable spaces

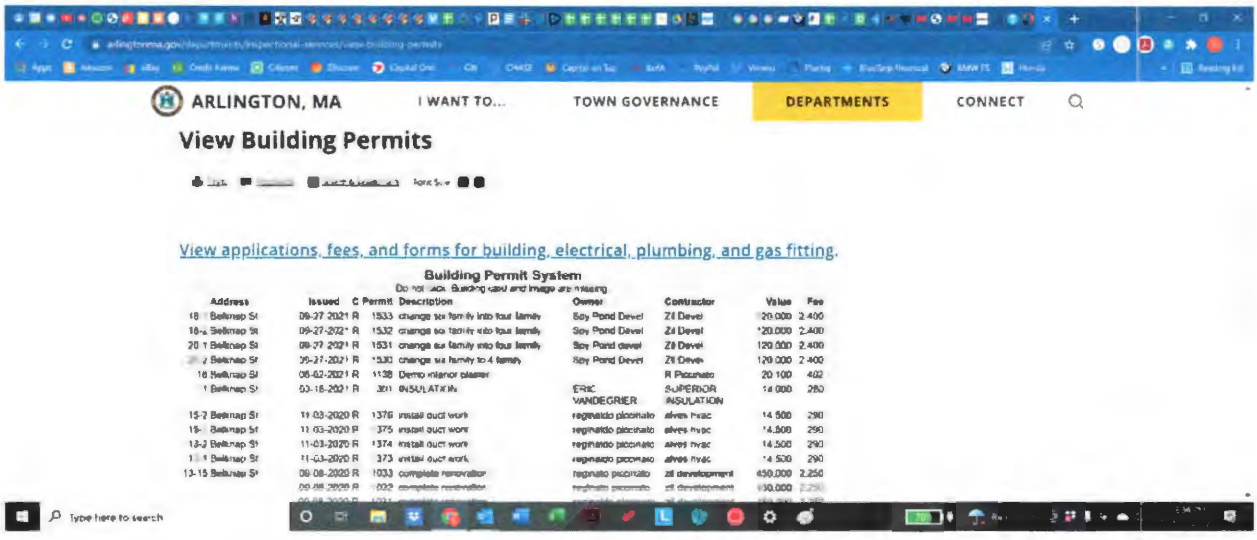
Inspection	Approved	Not Approved
Excavation, Setbacks & Footing Forms		

Pour no concrete until above is signed

Foundation, Damproofing & Formwork Drains		

Do not frame until above is signed and checked.
As - built plot plan is filed with Building Card.

Cover no work until above has been signed


ARLINGTON, MA
I WANT TO...
TOWN GOVERNANCE
DEPARTMENTS
CONNECT
View Building Permits
View applications, fees, and forms for building, electrical, plumbing, and gas fitting.
Building Permit System
Address
Issued
Permit
Description
Owner
Contractor
Value
Fee
Type here to search

Contextual Reference Material – Zoning Memorandum of Fact and Law in previous ZBA submission

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

ZONING BOARD OF APPEALS

ARLINGTON, MASSACHUSETTS

In the matter of	)	
	)	
18-20 Belknap Street	)	
Arlington, Massachusetts	)	Docket Number:
	)	
Spy Pond Development, LLC,	)	
Applicant	)	

ZONING MEMORANDUM OF FACT AND LAW IN SUPPORT OF REQUEST FOR SPECIAL PERMIT

Robert J. Annese, Esquire
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Arlington, MA 02476
(781) 646-4911
law@robertannese.com

STATEMENT OF FACTS

The subject property is located at 18-20 Belknap Street and is in an R2 Zoning District.

The property is nonconforming. The existing building was constructed in 1910 and the building is located on a lot containing 7,824 square feet.

The Applicant filed for a building permit for a full gut remodel and expansion of an existing building at the site following having filed a demolition application with the Building Department. The demolition application was approved as Building Permit Number 00674 on July 30, 2021.

The building permit for the full gut remodel and expansion of the existing building was approved as Building Permit Number 01671 on September 24, 2021. The property previously consisted of six (6) non-conforming residential units and the Applicant's plans proposed reducing the six (6) units to four (4) units and construction proceeded in connection with the building permit issued as Building Permit Number 01671.

Following construction of the four (4) residential units in accordance with the plans filed with the application for building permit, the Applicant was subsequently informed during March 2022 that it needed to apply for a Special Permit in connection with the provisions of Section 8.1.8 of the Zoning Bylaw which in part states the following:

"Special permit uses are a special class of uses not existing as of right. Except as herein provided, whenever a structure or lot is occupied by a use such as would require a special permit pursuant to Section 3.3 and Section 3.4 when applicable, if such activity were to commence as a new use thereon, then any new reconstruction, alteration, addition or extension of such use or an existing or destroyed structure shall be undertaken only pursuant special permits issued therefore".

The Applicant was not informed that a special permit had to be applied for in accordance with Section 8.1.8 at the time it applied for Building Permit Number 01671 and had the Applicant been so informed it certainly would have done so.

On March 12, 2022, the building contractor for the Applicant received an e-mail from the Building Department indicating that there was no dispute that the property was a

legal four-family building, and that the Applicant could proceed with the interior work at the property but not with the front and rear additions until the Zoning Board acted with respect to a zoning application which needed to be filed.

That e-mail prompted the Applicant to apply for this Special Permit in accordance with the provisions of Section 8.1.8, "Repair, Reconstruction, Extension, Addition" of the Zoning Bylaw.

At that point in time, the work performed by the Applicant at the property following issuance of the Building Permit had proceeded to the point where the additions referenced by the building department had already been completely constructed, on a brand new foundation, along with coinciding interior structural walls and windows and doors, associated mechanical componentry, and to such an extent that finish siding was being installed on the building when the Applicant was told to stop all exterior construction activities and apply for zoning relief.

ARGUMENT OF FACT AND LAW

It is clear that the Applicant has "clean hands" as it certainly would have filed for a Special Permit under Section 8.1.8 of the Zoning Bylaw had it been informed that there was a need to do so before the building permit was issued.

Four townhouses have been constructed at the property and the remaining exterior work cannot proceed without action by the Zoning Board with respect to Section 8.1.8 of the Zoning Bylaw which calls for a Special Permit whenever a structure on a lot is occupied by a use which would require a Special Permit pursuant to Section 3.3 and Section 3.4. if such activity were to commence as a new use at the property.

In this case the prior use of the property was for six residential units and the proposed use is for four residential units which results in a less intensive use of the property and the four-family use has been confirmed as a legal four family use by the Building Department in an e-mail sent to representatives of the Applicant on March 12, 2022.

This matter is not before the Zoning Board with respect to any issue relating to the four-family residential legal status of the property but is before the Zoning Board solely with respect to the provisions of 8.1.8 of the Zoning Bylaw.

Section 3.3.3 of the Zoning Bylaw provides the criteria to be use by the Members of the Zoning Board in determining whether a Special Permit should be granted in any given case.

In part, Section 3.3.3 provides as follows:

A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

B. The requested use is essential desirable to the public convenience or welfare.

C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

D. The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

E. Any special regulations for the use as may be provided in this Bylaw are fulfilled.

F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

It is clear that the use is a nonconforming use as corroborated by the e-mail of the representative of the Building Department to the Applicant dated March 12, 2022.

It is the Applicant's position that the requested use is essential or desirable to the public convenience or welfare because it will continue to maintain residential units in the Town and that is a consideration called for by the terms of the Master Plan.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety as the use will be reduced from six (6) units to four (4) units with less traffic to and from the site.

In addition, the use will not overload any public water or Town utility system because, once again, the use will be less intensive.

Any special regulations for the use provided for the Bylaw would be fulfilled if the Special Permit is granted.

The requested use will not impair the integrity or the character of the neighborhood nor be detrimental to the health and welfare of the neighborhood because there will be a less

intensive use of the site and there will be a decided improvement in the integrity or character of the building which in turn will lend itself to enhancing the integrity and character of the neighborhood.

Lastly, the request use will not by its addition to the neighborhood cause an excess of that use which could be detrimental to the character of the neighborhood.

It is also the Applicant's position that the Members of the Board in examining the Applicant's Request for Zoning Relief can conclude that the requirements of Section 3.3.4 will be complied with in connection with the Applicant's construction plans and, in addition, those plans were considered by representatives of the building department before the building permit was issued on September 24, 2021.

For all of the above reasons, the Applicant respectfully requests that the Zoning Board grants its Request for Special Permit in accordance with the provisions of Section 8.1.8 of the Zoning Bylaw.

Respectfully submitted
Spy Pond Development, LLC
By its attorney,

Robert J. Annese, Esquire
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171 Massachusetts Avenue
Arlington, MA 02476
781-646-4911
law@robertannese.com

Contextual Reference Material – Letter to Zoning Board of Appeals from Abutter Benjamin Bray in reference to previous ZBA submission

May 8, 2022

Town of Arlington
Zoning Board of Appeals
23 Maple Street
Arlington, MA 02476

W. Benjamin Bray
16 Belknap St., #1
Arlington, MA 02474

To Whom It May Concern,

The text below is a copy of the message I emailed to the Arlington, MA Zoning Board of Appeals (zba@town.arlington.ma.us) on May 5, 2022.

Since 2015, I've been the sole resident of 16 Belknap St #1 in Arlington, MA, Geospatial Applications Developer for MIT since 2005 and resident of the community since 2001. I was recently made aware of correspondence addressed to the Zoning Board of Appeals by a group named the "Belmarlin Neighborhood Group", regarding a request by the owners of 18-20 Belknap St for a special permit to complete the construction project at this address. Having reviewed this correspondence, I wish to note that it does not reflect unanimity among residents in the proximity of the building in question.

While it is true that the footprint of the new building does not match that of the previous one, it is my opinion that the alterations are negligible, and the new dimensions have had no negative effects from my perspective, nor will they. Rather than being harmful, the new building will provide only benefits to this community, more than most residents in this neighborhood are aware of.

Before this site was acquired by the new owners, the previous building had been the location of drug-dealing, late-night parties, fights, and numerous building violations. When I first moved into 16 Belknap #1 in September 2015, my nights were repeatedly interrupted by parties at 18 Belknap St attended by drug users, who I had to confront and express requests that the parties come to a halt. The previous building was an asbestos-laden eyesore.

When construction began on the new building last year, I introduced myself as the resident of 16 Belknap #1 to Chris Manley, one of the building's owners, and we exchanged contact info. Through the course of construction, he has been highly responsive to my requests and concerns, fixing noise issues within 24-48 hours of my requests, and ensuring that work hours are reasonable. Work has been performed during acceptable hours, from 7:30a when I'm getting ready for work, to 5:30p when I'm getting home. The new building will be a beautiful and an efficient addition to the neighborhood, bringing a conclusion to a dark period in its history.

Living next door to this construction project, I've experienced the cacophony of dumpsters outside my office window, asbestos mounds, every variety of powered mechanical sound you can imagine, six days a week for 10 months. But the benefits of the new building to myself and the community will be worth this hardship, and I sincerely request that the owners' request for a permit to complete work on this construction project be granted.

I would be more than happy to discuss this matter further. If you have any questions, please feel free to contact me at this email address, or via phone at 617-633-1372.



W. Benjamin Bray

Dimensional and Parking Information

TOWN OF ARLINGTON
Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. _____

Property Location 18-20 BELKNAP STREET

Zoning District R2

Owner: SPY POND DEVELOPMENT, LLC

Address: 2464 MASSACHUSETTS AVENUE CAMBRIDGE, MA 02140

Present Use/Occupancy: No. of Dwelling Units:

6 NONCONFORMING RENTAL APARTMENTS

Uses and their gross square feet:

RENTALS 5,228SF

Proposed Use/Occupancy: No. of Dwelling Units:

4 OWNER-OCCUPIED RESIDENCES

Uses and their gross square feet:

OWNER-OCCUPIED RESIDENCES 5,717SF

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	7,824SF	7,824SF	min. 6,000SF
Frontage	50FT	50FT	min. 60FT
Floor Area Ratio	.67	.78	max. .35
Lot Coverage (%), where applicable	30.8%	30.4%	max. 35%
Lot Area per Dwelling Unit (square feet)	1,304SF	1,956SF	min.
Front Yard Depth (feet)	25.3FT	20.3FT	min. 20FT
Side Yard Width (feet) right side	3.1FT	3.1FT	min. 10FT
left side	9.4FT	9.4FT	min. 10FT
Rear Yard Depth (feet)	70.8FT	65.8FT	min. 20FT
Height			min.
Stories	2.5	2.5	stories 2.5
Feet	31.9	32.2	feet 35
Open Space (% of G.F.A.)			10% OF 6153 (GFA) 30% OF 6153 (GFA) min.
Landscaped (square feet)	1,268SF	1,467SF	(s.f.)
Usable (square feet)	0	1,428	(s.f.)
Parking Spaces (No.)	6	8	min.
Parking Area Setbacks (feet), where applicable			min.
Loading Spaces (No.)			min.
Type of Construction	FIRE PROTECTED WOOD FRAME		
Distance to Nearest Building			min.

TOWN OF ARLINGTON
Open Space / Gross Floor Area Information

Refer to Section 2: *Definitions*, and Section 5: *District Regulations* in the Zoning Bylaw of the Town of Arlington before completing this form.

Address: 18-20 Belknap Street **Zoning District:** R2

OPEN SPACE*	**EXISTING**	**PROPOSED**
Total lot area	7824	7824
Open Space, Usable	0	1428
Open Space, Landscaped	1268	1467

* Refer to the Definitions in Section 2 of the Zoning Bylaw.

GROSS FLOOR AREA (GFA) †		
Accessory Building	448.68	0
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	0	0
1st Floor	1,956.83	2,382.04
2nd Floor	1,956.83	2,223.00
3rd Floor	0	0
4th Floor	0	0
5th Floor	0	0
Attic (greater than 7'-0" in height, excluding elevator machinery, or mechanical equipment)	1040.79	1,112.49
Parking garages (except as used for accessory parking or off-street loading purposes)	0	0
All weather habitable porches and balconies	319.33	435.74
Total Gross Floor Area (GFA)	**5,722**	**6,153**

† Refer to Definition of Gross Floor Area in Section 2 and Section 5 of the Zoning Bylaw.

REQUIRED MINIMUM OPEN SPACE AREA		
Landscaped Open Space (Sq. Ft.)	1268	1467
Landscaped Open Space (% of GFA)	24%	18.4%
Usable Open Space (Sq. Ft.)	0	1428
Usable Open Space (% of GFA)	0%	23.2%

This worksheet applies to plans dated 07/08/2021 designed by MF Engineering & Design, Inc.

Reviewed with Building Inspector: Richard Vallarelli Date: 09/27/2021

Statement Describing Proposal

TOWN OF ARLINGTON REDEVELOPMENT BOARD Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability) For projects subject to Environmental Design Review, (see Section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

1. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The site was largely impervious bituminous pavement with a concrete garage. The new design creates multiple grass and planting areas, including a large swath of open space where there was previously zero, and individual green spaces for each of its residents. Resulting in lot coverage being reduced from 30.8% to 30.4%.

2. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.

The renovations are designed to improve the residential character of the building, uplifting the curb appeal of itself and improving the overall neighborhood. The building's massing conforms with neighboring properties when comparing gross building area relative to lot size, and the building's overall height/width/depth, etc.

3. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

Usable open space has increased from <u>zero</u> to 1,428SF. Landscaped open space has increased from 1,268SF to 1,467SF. See site plan for details.

4. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

Vehicular circulation has improved. Existing parking consisted of a 2-car garage and basement

bulkheads that cars were required to maneuver around in order to park in undesignated/non-delineated areas. The proposed parking plan clearly outlines 2-car parking per unit offering clear lines of site and room to safely maneuver in and out of the individual clearly defined driveways. See site plan for details.

5. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas. In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

Surface water drainage will be dramatically improved by reducing a large amount of impervious surfaces and creating a large amount of pervious grassy and landscaped areas that did not exist previously. See site plan for details.

6. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

Utility service access remains unchanged, although brand new upgraded and safer services will be installed to service the proposed building for an indefinite period of time into the future.

7. Advertising Features. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw. 4 Updated August 28, 2018

Property is residential and as such will have no advertising associated with it.

8. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

This is a residential property and there are no special features anticipated.

9. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

Individual resident open spaces will be fully fenced and the building will contain a full sprinkler system for resident and neighborhood safety and security. Individual units will be clearly marked and identifiable.

10. Heritage. With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

Heritage is not impacted by this renovation, as the property is not historic or uniquely interesting. The proposed design is consistent with the neighborhood including the most recent renovation of four (4) townhouse units approved and completed at 13-15 Belknap Street by Spy Pond.

11. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

The proposed development adds a large amount of green space, open air decks, and an increased number of windows and skylights, offering its residents exposure to natural air and light sources.

12. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project. [LEED checklists can be found at http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b]

LEED design is not applicable to this residential development.

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw):

1. The use requested is listed as a special permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The use requested is listed in the Table of Use Regulations as a special permit in the district for which the application is made or is so designated elsewhere in the Bylaw.

2. The requested use is essential or desirable to the public convenience or welfare.

The requested use reduces the number of residential units from six (6) nonconforming rental apartment units down to four (4) owner-occupied townhouse residences. The requested use inherently increases the responsibility and accountability of its residents since they will be individual owners of

the units as individual properties, rather than renting an apartment from an out-of-town non-resident owner. Please also see Benjamin Bray's letter to the ZBA regarding the troublesome prior use and occupancy of the building.

3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The use will not create undue traffic congestion or any undue impairment of pedestrian safety because the use will be reduced from six (6) units to four (4) units and the parking will be serviced by the existing driveway and curb cut.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

The requested use will not overload any public or Town systems because the residential use is being reduced from six (6) units to four (4) units. Additionally, the project contains more energy efficient mechanical systems and energy efficient materials than previously existed.

5. Any special regulations for the use as may be provided in this Bylaw are fulfilled.

Any special regulations for the requested relief under the Bylaw will be fulfilled.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

As indicated in Response #2, the redesign of the property will enhance the integrity and character of the district or adjoining districts and will not be detrimental to the health, morals, or welfare of the inhabitants of the town.

7. The requested use will not, by its addition to a neighborhood, cause an excess of the particular use that could be detrimental to the character of said neighborhood.

The requested use will remain unchanged in its residential nature. Therefore it will not be an excess of any uses which could be detrimental to the character of the neighborhood in which the property is located.

* Of note is that the ARB is the Town's Planning Board, Redevelopment Authority, and a Special Permit Granting Authority. See Town Counsel's 2020 Opinion ("[T]he ARB is an entity possessing substantial discretion and authority to exceed or waive the provisions of the Bylaw", including "broad discretion to provide modifications, or exceptions to dimensional [and] density . . . regulations" as part of the Environmental Design Review special permitting process). https://www.arlingtonma.gov/home/showpublisheddocument/52673/637340294495730000

Environmental Impact Statement

18-20 Belknap Street
Arlington, MA 02474

Environmental Impact Statement

The subject property contains 7,824SF of land and is located in an R2 residential zone. The definition in the Zoning Bylaw for a property located in an R2 zone is as follows:

"R2: Two-Family District. The predominant use in R2 is a two-family dwelling or duplex. This district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that would detract from the single-family and two-family or duplex residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw."

Of note, the following appears under Section 5.4.1(A)(3) of the Arlington Zoning Bylaw: "…the following two uses are allowable by special permit: 1) "six or more single family dwellings on one or more contiguous lots"; and 2) "six or more units in two-family dwellings or duplex dwelling on one or more contiguous lots".

Also of note is that the ARB is the Town's Planning Board, Redevelopment Authority, and a Special Permit Granting Authority. See Town Counsel's 2020 Opinion ("[T]he ARB is an entity possessing substantial discretion and authority to exceed or waive the provisions of the Bylaw", including "broad discretion to provide modifications, or exceptions to dimensional [and] density . . . regulations" as part of the Environmental Design Review special permitting process). https://www.arlingtonma.gov/home/showpublisheddocument/52673/637340294495730000

The subject property was built in 1910, and prior to Spy Pond's ownership, it was used by its previous owner as a 6-unit non-conforming rental apartment building. It contained six (6) individual apartments. Each with its own gas appliances and separate metering devices. Its history prior to its previous owner is unknown. However, it was always considered a residential structure. The Building Department and Town Counsel confirmed that the building currently qualifies for a legal non-conforming 4-unit residential usage.

The property is located in a densely populated residential neighborhood containing mostly multifamily 2-6 unit properties. The property has always been used only for residential purposes and the proposed use is also only for residential purposes.

Spy Pond did not initially apply for a Special Permit under any town entity, since it was operating under the guidance and instruction of the Building Department in its permitting process. Had Spy Pond known that a Special Permit was required, it would have requested a by-right permit or it would have proactively gone through the Special Permitting process.

Nonetheless, Spy Pond has minimally increased the building's overall massing in that it retains the same height, the same width, and even shorter depth.

Although Spy Pond has increased the overall interior finished area of the building, it has accomplished this increase while also achieving the following benefits:

- Increase in usable open space from literally zero to 1,428SF
- Reduction in lot coverage percentage
- Minimized impervious driveway areas in favor of pervious areas of grass, andscaping, and private/individual green spaces for its residents. Thus enhancing drainage on the site.

As part of its role, the ARB reviews proposed uses relative to existing neighboring properties. This includes how the proposed structure compares to the massing of other structures in the vicinity and neighborhood. Massing entails the overall configuration and stature of the building. (Its general shape and form as well as size.)

The proposed massing conforms with that of neighboring properties, which have similar stature. Referencing the enclosed Neighborhood Massing and Density table, which compares public record information for similar neighboring properties, it is clear that the proposed use falls in-line with other properties that are within the immediate vicinity and on Belknap Street. It is also clear from the neighborhood pictures that the building conforms to massing and neighborhood design characteristics, such as overall height, width (of 4-unit buildings), typical front and side setbacks, driveway width, etc.

The permit for which Spy Pond applied requires relief from Section 3.4 Environmental Design Review. Spy Pond has addressed the standards of Section 3.4 of the Zoning Bylaw as follows:

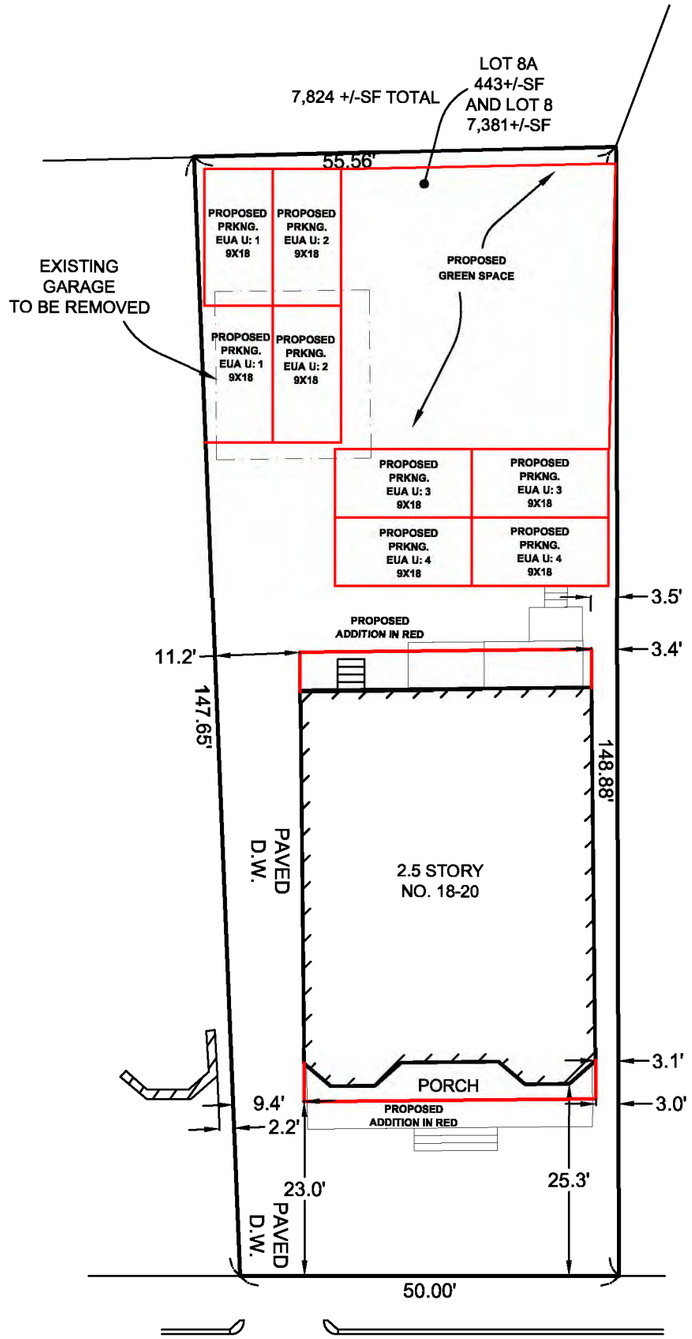
1. Lot coverage is reduced from 30.8% to 30.4%
2. The proposed massing conforms with neighboring properties in its gross building area relative to lot size, overall building height, overall building width, and building depth.
3. Usable open space increases from zero to 1,428SF. Landscaped open space increases from 1,268SF to 1,467SF.
4. Vehicular circulation improves through clearly outlined 2-car parking per unit in individual driveways. Resident safety improves as a result of better visibility and maneuverability throughout the parking areas.
5. Surface water drainage dramatically improves by reducing a large amount of impervious surfaces and creating a large amount of pervious grassy and landscaped areas that did not exist previously.
6. Access to utility service remains largely unchanged, although the quality and efficiency of the services are dramatically improved.
7. Property is residential and as such will have no advertising associated with it.
8. Since this is a residential property, no special features are anticipated.
9. Safety will be enhanced through clearly marked units, the latest fireproofing materials, and a brand new sprinkler system.
10. Heritage is not impacted by this proposed use. The property conforms nicely to the neighborhood and is suitable for its intended use.
11. The proposed development adds a large amount of green space, open air decks, and an increased number of windows and skylights, offering its residents exposure to natural air and light sources.
12. LEED design is not applicable to this proposed use.

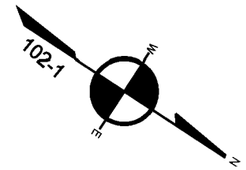
Site Plan (Submitted Separately)

RESERVED FOR REGISTRY USE

18-20 BELKNAP STREET
CONDOMINIUM SITE PLAN

LOCATED AT
18-20 BELKNAP STREET
ARLINGTON, MA





REFERENCES

DEED: BOOK 11247, PAGE 366
PLANS: PLAN BOOK 102, PLAN 1; 880 OF 1966

NOTES

PROPOSED GREEN SPACE POST CONSTRUCTION TO BE 30%

THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND IN JUNE OF 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

THE PROPERTY LINES SHOWN ARE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAY SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

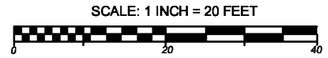
THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATIONS AND DIMENSIONS OF THE BUILDINGS AS BUILT AND FULLY LISTS THE UNITS CONTAINED THEREIN, AND FURTHER FULLY AND ACCURATELY DEPICTS, LOCATES AND PROVIDES THE DIMENSIONS OF ALL LIMITED OR EXCLUSIVE USE COMMON AREAS AND FACILITIES OF THE CONDOMINIUM OUTSIDE OF ANY BUILDING.

THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

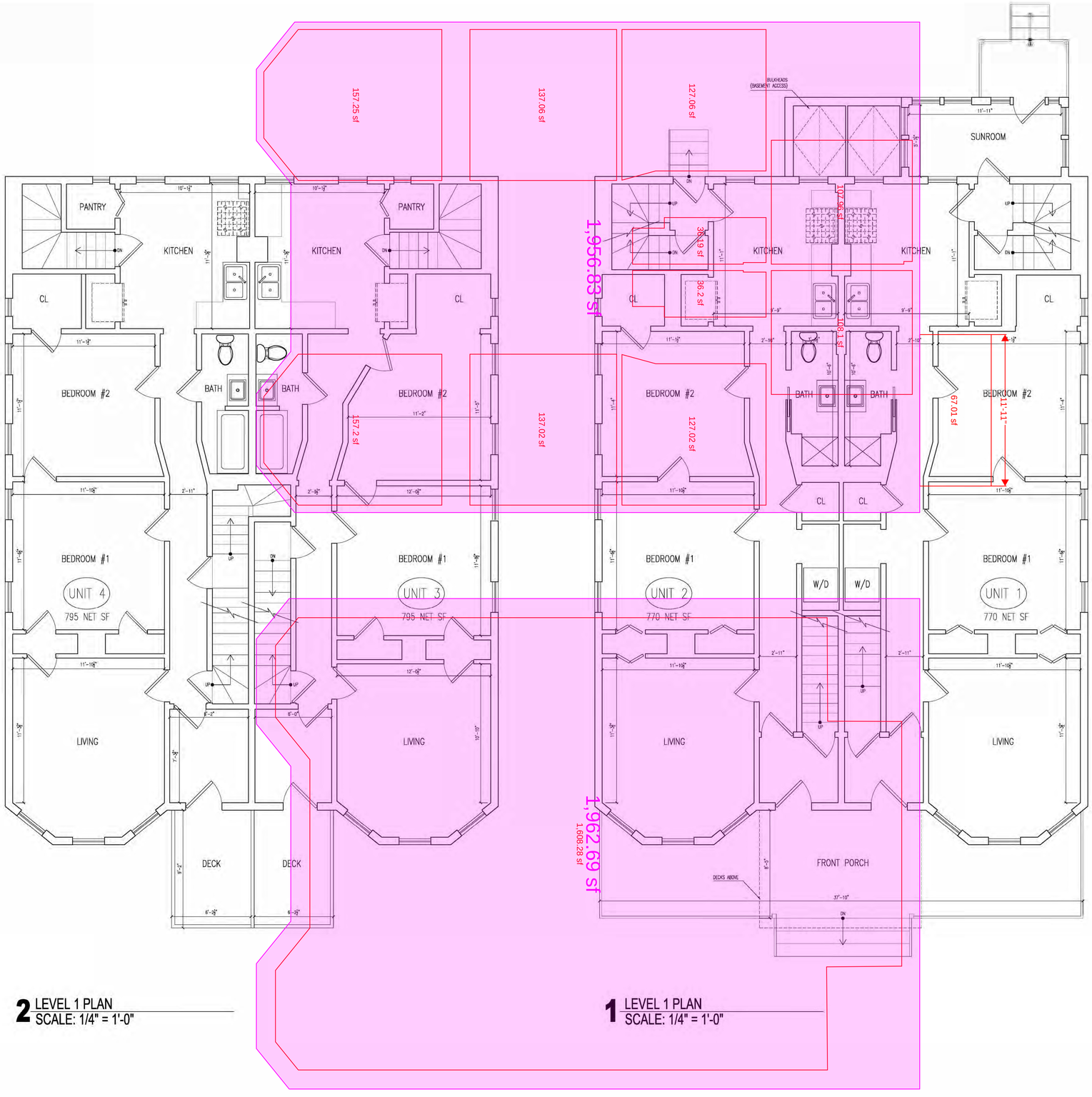
THOMAS BERNARDI P.L.S. **DATE: JANUARY 24, 2022**

MASSACHUSETTS SURVEY CONSULTANTS
GLOUCESTER, MA 01930
617 899-0703

SCALE: 1 INCH = 20 FEET

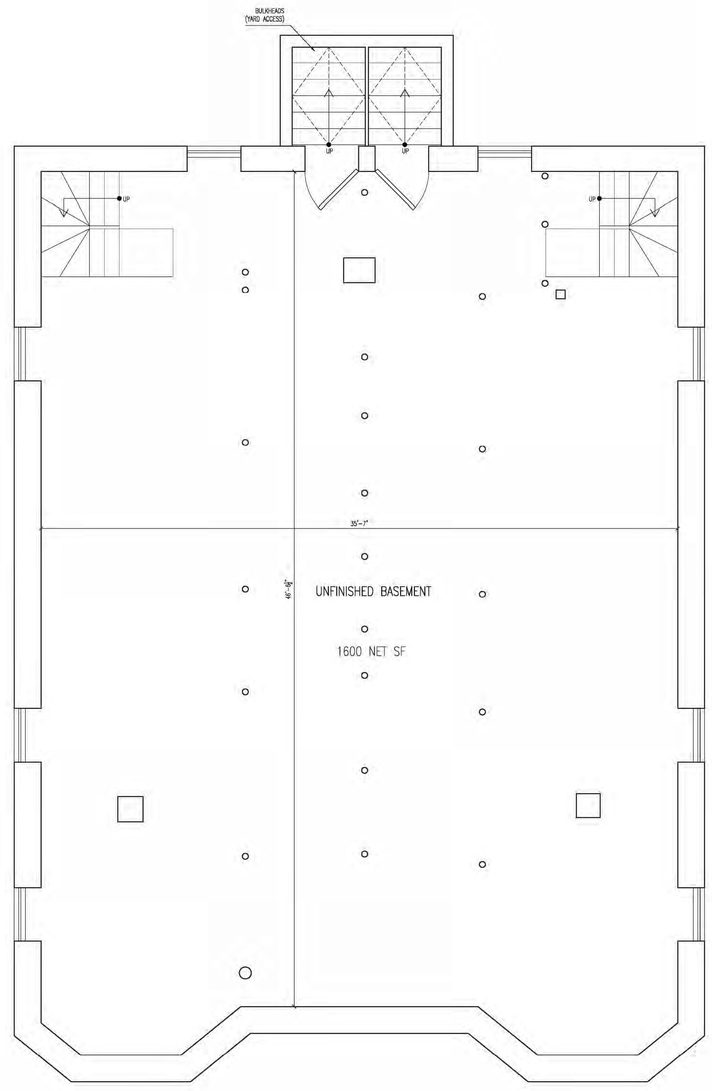


Building Plans and Elevations – Existing and Proposed



2 LEVEL 1 PLAN
SCALE: 1/4" = 1'-0"

1 LEVEL 1 PLAN
SCALE: 1/4" = 1'-0"



B BASEMENT PLAN
SCALE: 1/4" = 1'-0"

18-20 Belknap St.

Owner

context
a collaborative design workshop

Arlington,
Massachusetts

No.	Description	Date
01	Issued for Permit	–/–/2021

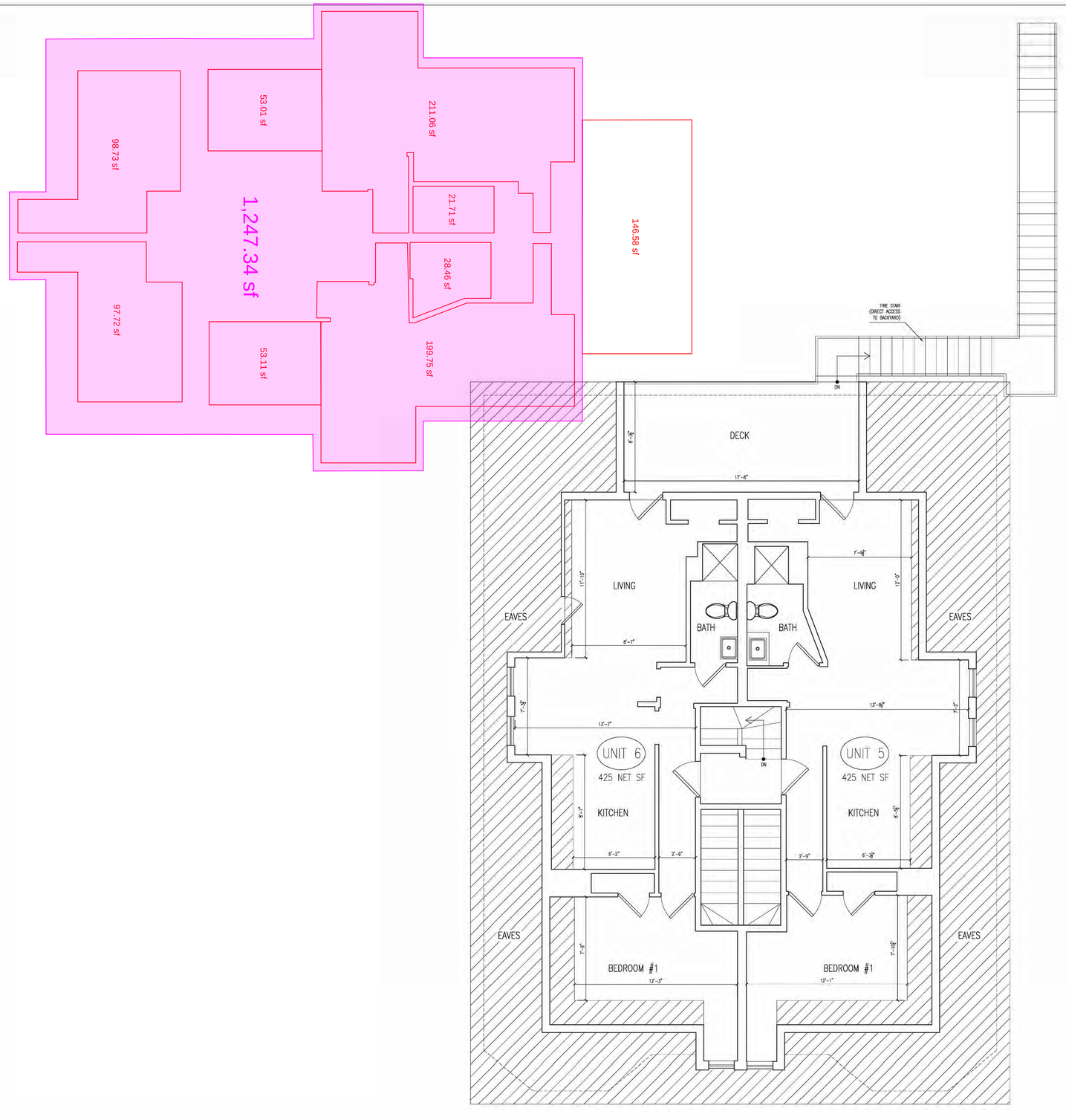
Drawing Title: Existing Plans

Project No.: 0— **Checked by:** EZ

XA-1

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3 LEVEL 3 PLAN
SCALE: 1/4" = 1'-0"

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Drawing Title: Existing Plans

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1 BELKNAP STREET ELEVATION
SCALE: 1/4" = 1'-0"



2 SIDE ELEVATION (NORTH)
SCALE: 1/4" = 1'-0"

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Drawing Title: Existing Elevations

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3 REAR ELEVATION (WEST)
SCALE: 1/4" = 1'-0"



4 SIDE ELEVATION (SOUTH)
SCALE: 1/4" = 1'-0"

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18-20 BELKNAP STREET - ARLINGTON, MA

GENERAL NOTES & SPECIFICATIONS

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

1.0 CONDITIONS OF CONTRACT

1.1 THE GENERAL CONTRACTOR IS RESPONSIBLE FOR PROVIDING SUBCONTRACTORS WITH ALL INFORMATION REGARDS TO FULL SCOPE OF THE PROJECT AND THEIR RESPECTIVE TRADES BIDDING AND CONSTRUCTION.

2.0 GENERAL

2.1 SCOPE OF WORK INCLUDES ALL WORK REQUIRED TO PROVIDE THE OWNERS THE WORK DEFINED IN THE CONSTRUCTION DOCUMENTS AND ALL BASE BUILDING CONSTRUCTION WITHIN THE IDENTIFIED SCOPE IN FULL INTENDED OPERATION.

2.2 GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL INJURY AND DAMAGE OF ANY KIND RESULTING FROM THIS WORK, TO PERSONS OR PROPERTY.

2.3 RENTAL CHARGES, SAFETY, PROTECTION AND MAINTENANCE OF RENTED EQUIPMENT SHALL BE CONTRACTOR'S RESPONSIBILITY.

2.4 PROJECT SHALL NOT BE COMPLETED UNTIL ALL NECESSARY AFFIDAVITS, CERTIFICATION AGENCY APPROVALS AND INSURANCE CONDITIONS OF THIS CONTRACT HAVE BEEN FULFILLED TO THE SATISFACTION OF THE OWNER. APPLICABLE REQUIREMENTS OF THE GENERAL CONDITIONS INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO THE FOLLOWING:
A. FINAL CLEANUP
B. COMPLETION OF ALL PUNCH LIST ITEMS.
C. SUBMISSION OF WAIVERS OF LIEN COVERING THIS CONTRACTOR AND HIS SUBCONTRACTORS AND SUPPLIERS.
D. COMPLETE SET OF TAGS, CHARTS, DIAGRAMS, INSTRUCTION BOOKLETS, ETC. AS REQUIRED FOR MECHANICAL AND ELECTRICAL INSTALLATIONS.
E. SUBMISSION OF ALL BUILDING DEPARTMENT APPROVALS AND CERTIFICATIONS.
F. WARRANTIES IN THE NAME OF THE OWNER, PRODUCT INFORMATION AND COPIES OF SUBMITTALS.

2.5 THIS JOB IS DESIGN/BUILD FOR THE FOLLOWING SYSTEMS: ELECTRICAL, MECHANICAL, PLUMBING, CONTRACTORS ARE REQUIRED TO FINALIZE THE DESIGN OF THEIR RESPECTIVE SYSTEMS FOR FULL AND PROPER OPERATIONS ACCORDING TO THE APPLICABLE LAWS AND SPECIFICATIONS IN THE PROJECT MANUAL, IN ORDER TO SATISFY INTENDED FUNCTION AND DESIGN OF MECHANICAL AND ELECTRICAL DRAWINGS PROVIDED HERE.

2.6 CONTRACTOR TO PROVIDE EMERGENCY ACCESS TO THE BUILDING TWO MEANS OF EGRESS AT ALL TIMES, AREA TO BE CLEARED OF DEBRIS, PARTITIONED OFF AND LIT FOR CONTINUAL ACCESSIBILITY OF TOW EXITS. TWO EXISTS NEED TO BE PROVIDED DURING THE CONSTRUCTION AND DEMOLITION.

2.7 WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. DO NOT SCALE THE DRAWINGS.

3.0 DOCUMENTS

3.1 THESE DOCUMENTS HAVE BEEN COMPILED WITH THE BEST AVAILABLE INFORMATION AND ARE NOT INTENDED TO LIMIT THE SCOPE OF WORK. THE CONTRACTOR MAY ENCOUNTER HIDDEN OR COVERED CONDITIONS, NOT INDICATED IN THE DOCUMENTS, REQUIRING ADDITIONAL WORK FOR THE COMPLETION OF THIS CONTRACT. IT WILL BE ASSUMED THAT THE CONTRACTOR HAS INSPECTED THE SITE PRIOR TO BIDDING AND VERIFIED ALL CONDITIONS, DIMENSIONS, AND OTHER INFORMATION HERE IN SUPPLIED.

3.2 ALL DIMENSIONS AND LAYOUTS SHALL BE FIELD VERIFIED BY THE CONTRACTOR/OWNER TO COORDINATED THE ARCHITECTURAL DRAWINGS WITH APPROVED SITE PLAN. ANY INCONSISTENCIES DISCREPANCIES OR AMBIGUITIES SHALL BE REPORTED TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

3.3 ALL WORKING STANDARDS SHALL REFLECT IRC 2009 & 780 CRM 8TH EDITION AMENDMENTS OF BUILDING CODE FOR ONE/TWO FAMILY DWELLING.

3.4 CONTRACTOR SHALL BE REVIEW AND REPORT ANY INCONSISTENCIES.

3.5 CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, AND SHALL PAY AND OBTAIN BUILDING PERMITS AND ALL NECESSARY APPROVALS. CONTRACTOR SHALL OBTAIN ALL APPROVALS AND PERMITS FOR CONSTRUCTION FROM THE MUNICIPAL AGENCIES HAVING JURISDICTION, PRIOR TO COMMENCEMENT OF WORK, AT HIS OWN EXPENSE.

3.6 CONTRACTOR SHALL GUARANTEE ALL WORK AGAINST DEFECTS FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION.

4.0 TRADES

4.1 THE GENERAL CONTRACTOR SHALL SUBMIT SHOP DRAWINGS, SAMPLES OF ALL FINISH MATERIAL SHALL BE SUBMITTED TO OWNER AND/ OR DESIGNER FOR APPROVAL, INCLUDING PAINT SAMPLE. ANY FINISHES THAT ARE PURCHASED BEFORE APPROVAL AND ARE SUBSEQUENTLY REJECTED ARE THE RESPONSIBILITY OF THE CONTRACTOR, NO SUBSTITUTIONS WILL BE CONSIDERED FOR PRODUCTS OR METHODS THAT CANNOT BE PROVIDED AS A RESULT OF CONTRACTOR'S FAILURE TO ORDER PRODUCTS IN A TIMELY MANNER, PURSUE THE WORK PROMPTLY, OR TO COORDINATE THE VARIOUS ACTIVITIES PROPERLY.

4.2 THE CONTRACTOR SHALL NOT BE RELIEVED OF RESPONSIBILITY FOR DEVIATIONS FROM REQUIREMENTS OF THE CONTRACT DOCUMENTS BY THE OWNER'S AND/OR DESIGNER FOR APPROVAL OF SHOP DRAWINGS, PRODUCT DATA, SAMPLES, OR SIMILAR SUBMITTALS UNLESS THE CONTRACTOR HAS SPECIFICALLY INFORMED THE OWNER AND/OR DESIGNER IN WRITING OF SUCH DEVIATION AT THE TIMES OF SUBMITTAL AND THE ARCHITECT HAS GIVEN WRITTEN APPROVAL TO THE SPECIFIC DEVIATION. THE CONTRACTOR SHALL NOT BE RELIEVED OF RESPONSIBILITY FOR ERRORS OR OMISSIONS IN SHOP DRAWINGS, PRODUCT DATA, SAMPLE, OR SIMILAR SUBMITTALS BY THE OWNER'S AND/OR DESIGNER APPROVAL THEREOF.

4.3 ELECTRICAL CONTRACTOR TO PROVIDE DESIGN & BUILD SERVICES, ALL WORK TO BE IN COMPLIANCE W/527 CMR & NFPA 90 REQUIREMENTS, COORDINATE UTILITY COMPANY REQUIREMENTS WITH ARCHITECT AND SITE CONTRACTOR. COORDINATE ALL TRENCHING WITH GENERAL CONTRACTOR, SERVICE TO BE DESIGNED FOR 200 AMP WITH CIRCUIT BREAKER PANEL BOARD SIZED ADEQUATELY. COORDINATE WITH HVAC FOR CONTRACTOR FOR A/C LOAD. REVIEW LAYOUT IN FIELD WITH ARCHITECT AND GENERAL CONTRACTOR TO VERIFY LOCATIONS OF ALL SWITCHING AND LIGHTING. CONTRACTOR MUST GIVE ALLOWANCES FOR LIGHTING IN CONTRACT; OWNER TO SELECT ALL LIGHTING FIXTURES AND APPLIANCES FOR CONTRACTOR TO INSTALL. PROVIDE PERMIT AND SCHEDULE ALL INSPECTIONS IN A TIMELY FASHION. PROVIDE CARBON MONOXIDE, SMOKE AND HEAT DETECTORS PER CODE REQUIREMENTS.

4.4 IF CONFLICTS OCCUR BETWEEN DWGS AND SPECS OR PRODUCTS, PROCEDURES, ETC. THE MORE STRINGENT DETAIL AND HIGHER QUALITY SHALL BE CONSIDERED THE INTENT OF THE CONTRACT DOCUMENTS. OWNER'S AND/OR DESIGNER'S CONFIRMATION IS REQUIRED.

4.5 THE INTENT OF CONTRACT DOCS & RESPECTIVE DESIGN BUILD DISCIPLINES REPRESENT A COMPLETE INSTALLATION PER INDUSTRY AND TRADE STANDARDS FOR SIMILAR TYPES OF CONSTRUCTION IN GEOGRAPHIC REGION.
ES, OR SIMILAR SUBMITTALS BY THE OWNER'S AND/OR DESIGNER'S APPROVAL THEREOF.



1 FRONT_2
12" = 1'-0"

MF ENGINEERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7251

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

DRAWN BY: FLM
AREA: 9143 ft²
SCALE: 12" = 1'-0"
DATE: 28/07/2021 17:14:27
SHEET NO: 71 of 183
A-01

5.0 FOUNDATION NOTES

5.1 FOOTINGS ARE TO BEAR ON UNDISTURBED LEVEL SOIL DEVOID OF ANY ORGANIC MATERIAL AND STEPPED AS REQUIRED TO MAINTAIN THE REQUIRED DEPTH BELOW THE FINAL GRADE.

5.2 SOIL BEARING PRESSURE ASSUMED TO BE 1500 PSF.

5.3 ANY FILL UNDER GRADE SUPPORTED SLABS TO BE A MINIMUM OF 10" GRAVEL BASE COMPACTED TO 95%.

5.4 CONCRETE:
- INTERIOR SLABS ON GRADE: 2.500 PSI.
- FROST WALL / FOUNDATIONS EXPOSED TO THE WEATHER: 3.000 PSI.
- FOOTINGS EXPOSED TO THE WEATHER: 3.500 PSI.

5.5 CONCRETE SLABS TO HAVE CONTROL JOINTS AT 25 FT. (MAXIMUM) INTERVALS EA. WAY.

5.6 ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESSURE TREATED OR PROTECTED WITH 55# ROLL ROOFING.

5.7 ALL HOLD DOWN HARDWARE MUST BE SECURED IN PLACE PRIOR TO FOUNDATION INSPECTION.

6.0 CONSTRUCTION CODES

MASSACHUSETTS 9TH EDITION BASE CODE
2015 IRC - INTERNATIONAL RESIDENTIAL CODE
780 CMR - MA AMENDMENTS TO THE IRC
2015 IEBC - INTERNATIONAL EXISTING BUILDING CODE
2015 IECC - INTERNATIONAL ENERGY CONSERVATION CODE
2015 IMC - INTERNATIONAL MECHANICAL CODE
2015 IFC - INTERNATIONAL FIRE CODE
527 CMR - MA FIRE PREVENTION AND ELECTRICAL REGULATIONS
521 CMR - MA ACCESSIBILITY REGULATIONS
248 CMR - MA PLUMBING REGULATIONS

6.1 ALL WORKING STANDARDS SHALL REFLECT IRC 2015 & 780 CRM 9TH EDITION AMENDMENTS OF BUILDINGS CODE FOR ONE/TWO FAMILY DWELLING.

7.0 LIST OF DRAWINGS:

A-01 - GENERAL NOTES & SPECIFICATIONS
A-02 - SITE
A-03 - BASEMENT & FIRST FLOOR
A-04 - SECOND FLOOR & THIRD FLOOR
A-05 - ELEVATIONS
A-06 - ELEVATIONS
A-07 - DETAILS
A-08 - DETAILS

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

AREAS

Name	Level	Area
UNIT 1	BASEMENT	579 ft²
UNIT 1	FIRST FLOOR	618 ft²
UNIT 1	SECOND FLOOR	579 ft²
UNIT 1	THIRD FLOOR	477 ft²
UNIT 1		2253 ft²
UNIT 2	BASEMENT	579 ft²
UNIT 2	FIRST FLOOR	618 ft²
UNIT 2	SECOND FLOOR	579 ft²
UNIT 2	THIRD FLOOR	477 ft²
UNIT 2		2253 ft²
UNIT 3	BASEMENT	593 ft²
UNIT 3	FIRST FLOOR	633 ft²
UNIT 3	SECOND FLOOR	593 ft²
UNIT 3	THIRD FLOOR	501 ft²
UNIT 3		2319 ft²
UNIT 4	BASEMENT	593 ft²
UNIT 4	FIRST FLOOR	633 ft²
UNIT 4	SECOND FLOOR	593 ft²
UNIT 4	THIRD FLOOR	501 ft²
UNIT 4		2319 ft²
Grand total		9143 ft²

ARCHITECTURAL ABREVIATIONS

A

AB	ANCHOR BOLT
ACFL	ACCESS FLOOR
ACOUS	ACOUSTICAL
ACT	ACOUSTICAL CEILING TILE
AD	AREA DRAIN
ADD	ADDENDUM
ADDL	ADDITIONAL
ADJ	ADJUST/ABLE
ADJ	ADJACENT
ADMIN	ADMINISTRATION
AFF	ABOVE FINISH FLOOR
AHU	AIR HANDLING UNIT
ALT	ALTERNATE
ALUM	ALUMINUM
ANUN	ANNUNCIATOR
AP	ACCESS PANEL
APC	ARCHITECTURAL PRECAST CONCRETE
APROX	APPROXIMATE
ARCH	ARCHITECTURAL
AUTO	AUTOMATIC
AWT	ACOUSTICAL WALL TREATMENT

B

BA	BUILDING ACCESSORY
BBD	BULLETIN BOARD
BC	BRICK COURSES
BD	BOARD
BFE	BOTTOM FOOTING ELEVATION
BG	BUMPER GUARD
BIT	BITUMINOUS
BKT	BRACKET
BLDG	BUILDING
BLKG	BLOCKING
BLT	BORROWED LIGHT
BLW	BELOW
BM	BEAM
BO	BY OWNER
BOF	BY OWNER FUTURE
BOT	BOTTOM
BR	BRICK
BRG	BEARING
BRL	BRICK LEDGE
BSMT	BASEMENT
BTWN	BETWEEN
BUR	BUILT-UP ROOFING

C

C	CHANNEL
C DISP	CUB DISPENSER
CAB	CABINET
CG	CORNER GUARD
CH	COAT HOOK
CJT	CONTROL JOINT
CCTV	CLOSED CIRCUIT TELEVISION
CD	COILING DOOR
CG	COILING GRILLE
CL	CENTER LINE
CL	CLASS
CLG	CEILING
CLR	CLEAR
CM	CONSTRUCTION MANAGER
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT
CO	CASED OPENING
COL	COLUMN
COMB	COMBINATION/-ED
CONC	CONCRETE
CONF	CONFERENCE
CONN	CONNECT/-ED,/-ION
CONST	CONSTRUCTION
CONT	CONTINUE/OUS
CONTR	CONTRACT/OR
COORD	COORDINATE
CORR	CORRIDOR
CPT	CARPET
CT	CERAMIC TILE
CTR	CENTER
CTSK	COUNTERSUNK
CUH	CABINET UNIT HEATER
CW	CURTAIN WALL
CW	COLD WATER
CYL	CYLINDER

D

D	DEPHT OR DEEP
DEMO	DEMOLITION
DEPR	DEPRESSION
DEPT	DEPARTMENT
DET	DETAILS
DF	DRINKING FOUNTAIN
DIA	DIAMETER
DIAG	DIAGONAL
DIFF	DIFFUSER
DIM	DIMENSION
DISP	DISPENSER
DIST	DISTRIBUTION
DIV	DIVISION
DJT	DUMMY JOINT
DN	DOWN
DP	DEMOUNTABLE PARTITION
DP	DATA PROCESSING
DR	DOOR
DS	DOWNSPOUT
DW	DUMBWAITER
DWG	DRAWING
DWLS	DOWELS

E

E	EXISTING
EXIST	EXISTING
EC	ELECTRIC CABINET
EF	EXHAUST FAN
EIFS	EXTERIOR INSULATION AND FINISH SYSTEM
EJT	EXPANSION JOINT
EL	ELEVATION
ELEC	ELECTRICAL
ELEV	ELEVATOR
EMERG	EMERGENCY
ENCL	ENCLOSURE
ENTR	ENTRANCE
EO	ELECTRICAL OUTLET
EP	EXPLOSION PROOF
EQ	EQUAL
EQUIP	EQUIPMENT
ES	END SECTION
EWC	ELECTRIC WATER COOLER
EXA	EXHAUST AIR
EXC	EXCAVATE/-ED/-ION
EXH	EXHAUST HOOD
EXIST	EXISTING
EXP	EXPANSION
EXT	EXTERIOR

F

FA	FIRE ALARM
FB	FIRE BLANKET
FD	FLOOR DRAIN
FDN	FOUNDATION
FDV	FIRE DEPARTMENT VALVE
FE	FIRE EXTINGUISHER
FGS	FOAM GASKET SEAL
FH	FIRE HOSE
FHP	FULL HEIGHT PARTITION
FHV	FIRE HOSE VALVE
FIN	FINISH
FIXT	FIXTURE
FL	FLOOR
FL	FLOW LINE
FLASH	FLASHING
FLEX	FLEXIBLE
FLG	FLANGE
FLUOR	FLUORESCENT
FP	FIRE PROOFING
FRMG	FRAMING
FS	FULL SIZE
FS	FLOOR SINK
FSTOP	FIRESTOPPING
FT	FOOT/FEET
FTG	FOOTING
FTR	FIN TUBE RADIATION
FURR	FURRING
FUT	FUTURE

G

GA	GAUGE
GAL	GALLONS
GALV	GALVINIZED
GB	GRAB BAR
GB	GRADE BEAM
GC	GENERAL CONTRACTOR
GEN	GENERATOR
GEN	GENERAL
GL	GLASS
GMU	GLASS MASONRY UNIT
GR	GRADE
GWB	GYPSUM BOARD
GWB/SK	GYPSUM BLUE BOARD W/ PLASTER SKIM COAT
GYP SHGT	GYPSUM SHEATHING

H

H	HIGH
HB	HOSE BIB
HD	HAND DRYER
HDCP	HANDICAP
HDR	HEADER
HDW	HARDWARE
HM	HOLLOW METAL
HORIZ	HORIZONTAL
HPT	HIGHPOINT
HR	HANDRAIL
HT	HEIGHT
HTR	HEATER
HVAC	HEATING, VENTILATING, AIR CONDITIONING
HW	HOT WATER
HWD	HARDWOOD

I

IC	INTERCOM
ID	INSIDE DIAMETER
IN	INCH
INSUL	INSULATION
INT	INTERIOR
ISO	ISOLATION

J

JAN	JANITOR
JB	JUNCTION BOX
JST	JOIST
JT	JOINT

K

KO	KNOCK OUT

L

L	LAVATORY
LAV	LAVATORY
LB	POUND
LCD	LINEAR CEILING DIFFUSER
LF	LINE FIGURED
LIN	LINEAR
LKR	LOCKER
LLH	LONG LEG HORIZONTAL
LLV	LONG LEG VERTICAL
LMC	LINEAR METAL CEILING
LOC	LOCATION OR LOCATE
LPT	LOW POINT
LS	LAWN SPRINKLING
LT	LIGHT
LTG	LIGHTING
LVR	LOUVER
LWC	LINEAR WOOD CEILING

M

M	MIDDLE
MAN	MANUAL
MATL	MATERIAL
MAX	MAXIMUM
MBD	MARKER BOARD
MC	MEDICINE CABINET
MCU	MODULAR COOLING UNIT
MECH	MECHANICAL
MEMB	MEMBRANE
MET	METAL
MEZZ	MEZZANINE
MFR	MANUFACTURER
MH	MANHOLE
MHC	MATERIAL HANDLING CONVEYOR
MIN	MINIMUM
MIR	MIRROR
MISC	MISCELLANEOUS
MO	MASONRY OPENING
MONO	MONOLITHIC
MPC	MEATL PAN CEILING
MPU	MULTI-PURPOSE UNIT
MTD	MOUNTED
MTR	MOTOR
MULL	MULLION

N

NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NO	NUMBER
NOM	NOMINAL
NRC	NOISE REDUCTION COEFFICIENT
NT	NOTE
NTS	NOT TO SCALE

O

OC	ON CENTER
OD	OUTSIDE DIAMETER
OFF	OFFICE
OH	OVERHEAD
OP	OPERABLE PARTITION
OPER	OPERATOR
OPNG	OPENING
OPP	OPPOSITE
ORD	OVERFLOW ROOF DRAIN

P

PART	PARTITION
PB	PUSH BUTTON
PC	PRECAST CONCRETE
PCD	PAPER CUP DISPENSER
PED	PEDESTAL
PL	PLATE
PL	PROPERTY LINE
PLAM	PLASTIC LAMINATE
PLBG	PLUMBING
PLS	PLASTER
PLW	PLYWOOD
PNL	PANEL
PR	PAIR
PRELIM	PRELIMINARY
PRES	PLASTIC RESIN
PRESS	PRESSURE
PRIM	PRIMARY
PROJ	PROJECTION
PRV	POWER ROOF VENTILATOR
PT	PAINT
PTC	PAPER TOWEL CABINET
PTR	PRINTER
PVC	POLYVINYL CHLORIDE
PRKNG.	PARKING

Q

QT	QUARRY TILE

R

R	RADIUS
R	RISER
RA	RETURN AIR
RAD	RADIATION
RB	RESILIENT BASE
RD	ROOF DRAIN
RE	RELOCATE EXISTING
REC	RECESSED
REF	REFERENCE
REFR	REFRIGERATOR
REG	REGISTER
REINF	REINFORCE/-ED/-ING
REM	REMOVE
REQD	REQUIRED
RET	RETAINING
REV	REVERSE
REV	REVISE
RF	RESILIENT FLOOR
RH	ROOF HATCH
RM	ROOM
RO	ROUGH OPENING
RS	ROUGH SLAB
RWC	RAIN WATER CONDUCTOR

S

S	SINK
SCHED	SCHEDULE
SD	SHOWER DRAIN
SD	SMOKE DAMPER
SDISP	SOAP DISPENSER
SECT	SECTION
SECY	SECRETARY
SF	STORE FRONT
SF	SQUARE FOOT
SH	SHOWER
SHD	SHOWER HEAD
SHT	SHEET
SHTG	SHEATHING
SIM	SIMILAR
SL	SEALER
SLNT	SEALANT
SLV	SLEEVE
SM	SURFACE MOUNTED
SNC	SANITARY NAPKIN CABINET
SND	SANITARY NAPKIN DISPOSER
SOG	SLAB ON GRADE
SP	STANDPIPE
SPEC	SPECIFICATIONS
SPR	SINGLE PLY ROOF
SQ	SQUARE
SQ YD	SQUARE YARD
SR	SERVICE RECEPTOR
SS	SERVICE SINK
SST	STAINLESS STEEL
ST	STREET
ST	STONE TILE
STC	SOUND TRANSMISSION
STD	STANDARD
STL	STEEL
STN	STONE
STNL	STONE LEDGE
STOR	STORAGE
STRUCT	STRUCTURAL
STS	STEEL STRUCTURE
SUPV	SUPERVISOR
SUSP	SUSPENDED
SW	STEEL WINDOWS
SW	SWITCH
SWD	SOFTWOOD
SYM	SYMMETRICAL

T

T	TOP
TAN	TANGENT
TBD	TACKBOARD
TC	TIME CLOCK
TCAB	TOWEL CABINET
TDISP	TISSUE DISPENSER
TDR	TRENCH DRAIN
TEL	TELEPHONE
TEMP	TEMPERATURE
TER	TERRAZZO
TG	TONGUE & GROOVE
THRES	THRESHOLD
TPG	TEMPERED PLATE GLASS
TPH	TOILET PAPER HOLDER
TR	TREAD
TRANSF	TRANSFORMER
TS	TUBE SECTION
TV	TELEVISION
TYP	TYPICAL

U

U	URINAL
UC	UNDERCUT
UFD	UNDER FLOOR DUCT
UG	UNDERGROUND
UH	UNIT HEATER
UNFIN	UNFINISHED
UNO	UNLESS NOTED OTHERWISE
US	UTILITY SHELF
UTIL	UTILITY

V

VC	VALVE CABINET
VENT	VENTILATION
VERT	VERTICAL
VEST	VESTIBULE
VR	VAPOR RETARDER
VTR	VENT THROUGH ROOF

W

W	WIDTH/WIDE
W	WIDE FLANGE
W	WITH
W/O	WITHOUT
WC	WATER CLOSET
WC	WALL COVERING
WD	WOOD
W/D	WASH & DRYER
WDW	WINDOW
WG	WALL GUARD
WH	WALL HYDRANT
WHCH	WHEELCHAIR
WHTR	WATER HEATER
WP	WATERPROOF
WR	WASTE RECEPTACLE
WS	WEATHERSTRIP
WSCT	WAINSCOT
WT	WINDOW TREATMENT
WT	WEIGHT
WW	WOOD WINDOW
WWF	WELDED WIRE FABRIC

SHEET N°: A-02
SCALE: 1" = 1'-0"
DATE: 28/07/2021 17:14:28
DRAWN BY: FLM
AREA: 9143 ft²
ADDRESS: 18-20 BELKNAP STREET ARLINGTON, MA

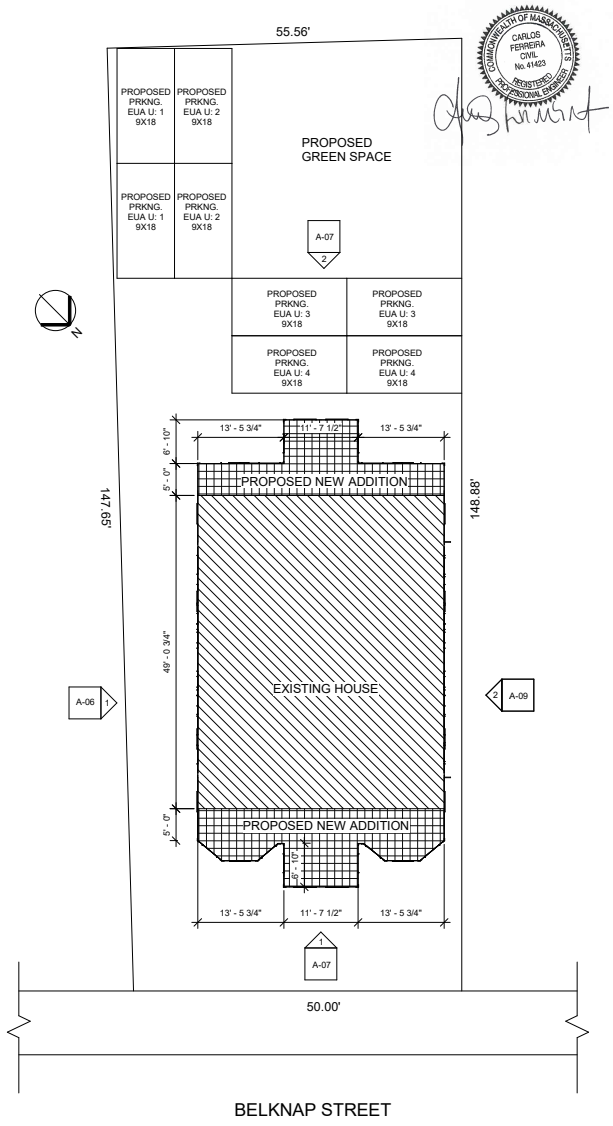
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CFERREIRA@MF-ENG.COM
PHONE: (508) 331-7261

Door Schedule		
Type Mark	Height	Width
D01	7' - 0 1/4"	2' - 7 1/2"
D01: 44		
D02	7' - 0 1/4"	2' - 11 7/16"
D02: 20		
D03	7' - 0 1/4"	4' - 7 1/8"
D03: 8		
D04	7' - 0"	3' - 4"
D04: 16		
D05	7' - 0 1/4"	4' - 11 1/16"
D05: 4		
D06	7' - 0"	5' - 0"
D06: 8		
Grand total: 100		

Window Schedule		
Type Mark	Height	Width
W01	2' - 10"	3' - 2"
W01: 12		
W02	4' - 0"	3' - 0"
W02: 60		
W03	2' - 0"	2' - 0"
W03: 2		
Grand total: 74		



2 BACK_2
12" = 1'-0"



1 Site
1" = 10'-0"

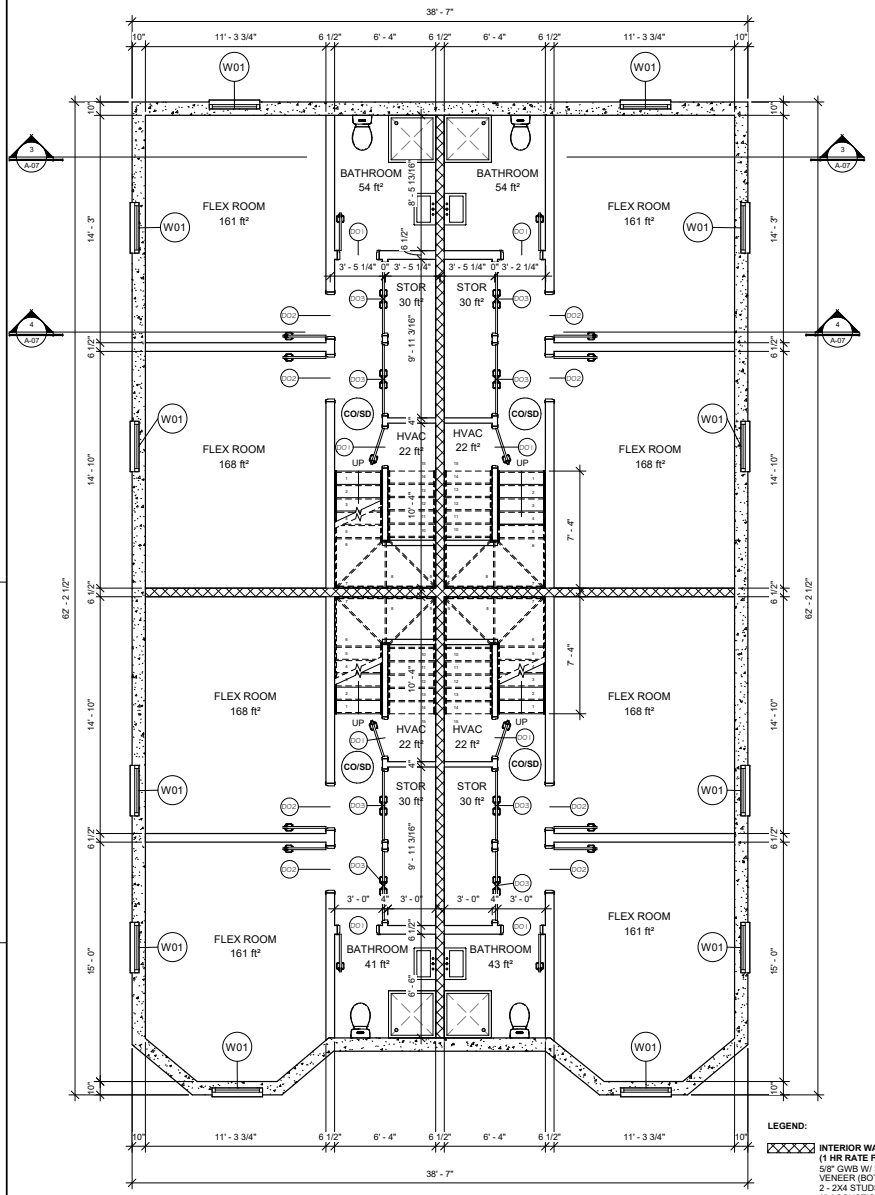
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7281

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

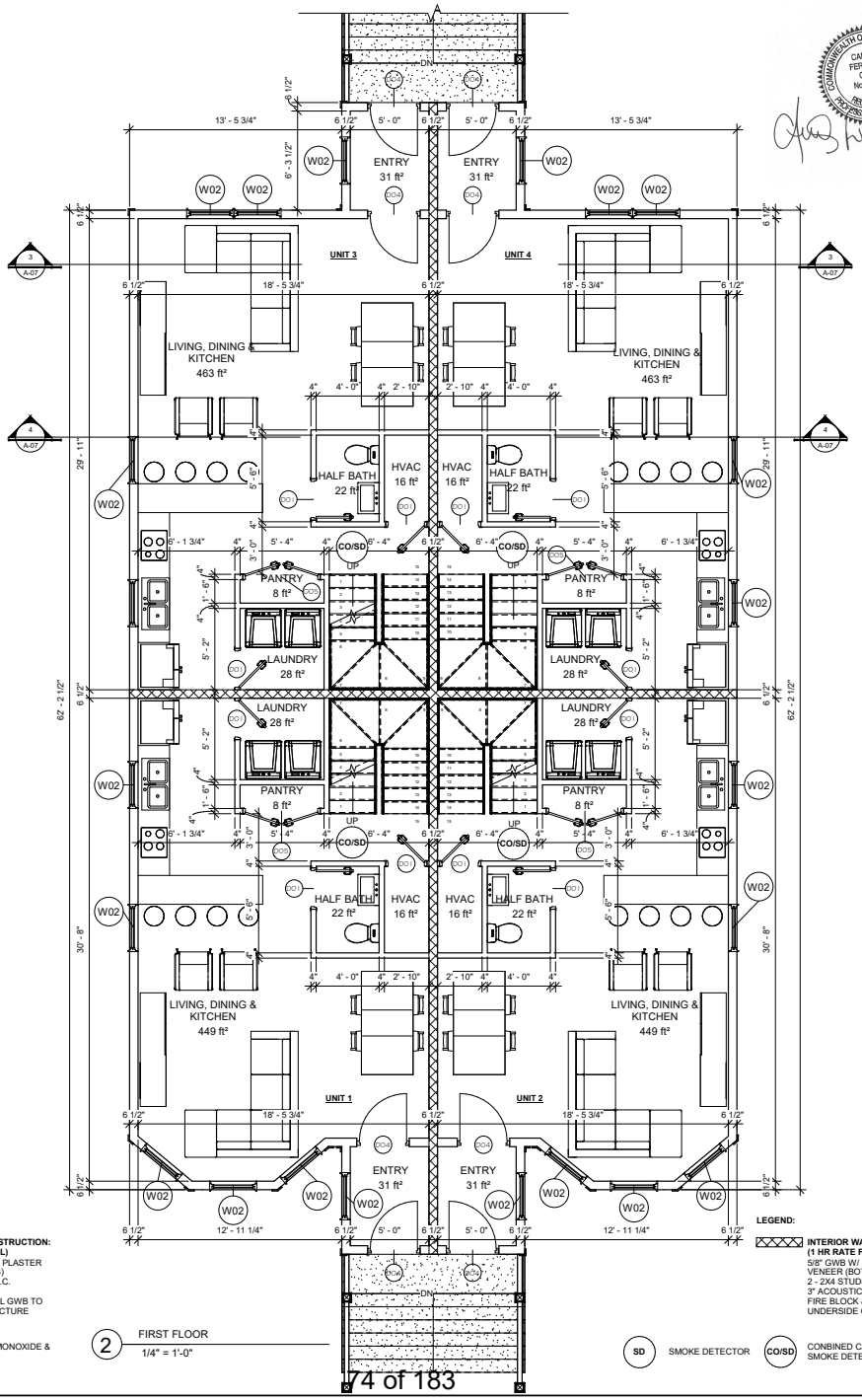
DRAWN BY: FLM
AREA: 9143 ft²

SCALE: As indicated
DATE: 28/07/2021 17:14:49

SHEET N°: A-03



1 BASEMENT
1/4" = 1'-0"



2 FIRST FLOOR
1/4" = 1'-0"

LEGEND:

INTERIOR WALL CONSTRUCTION:
(1 HR RATE FIRE WALL)
5/8" GWB W/ SMOOTH PLASTER VENEER (BOTH SIDES)
2 - 2X4 STUDS @ 16 O.C.
3" ACOUSTIC BAT
FIRE BLOCK & INSTALL GWB TO UNDERSIDE OF STRUCTURE

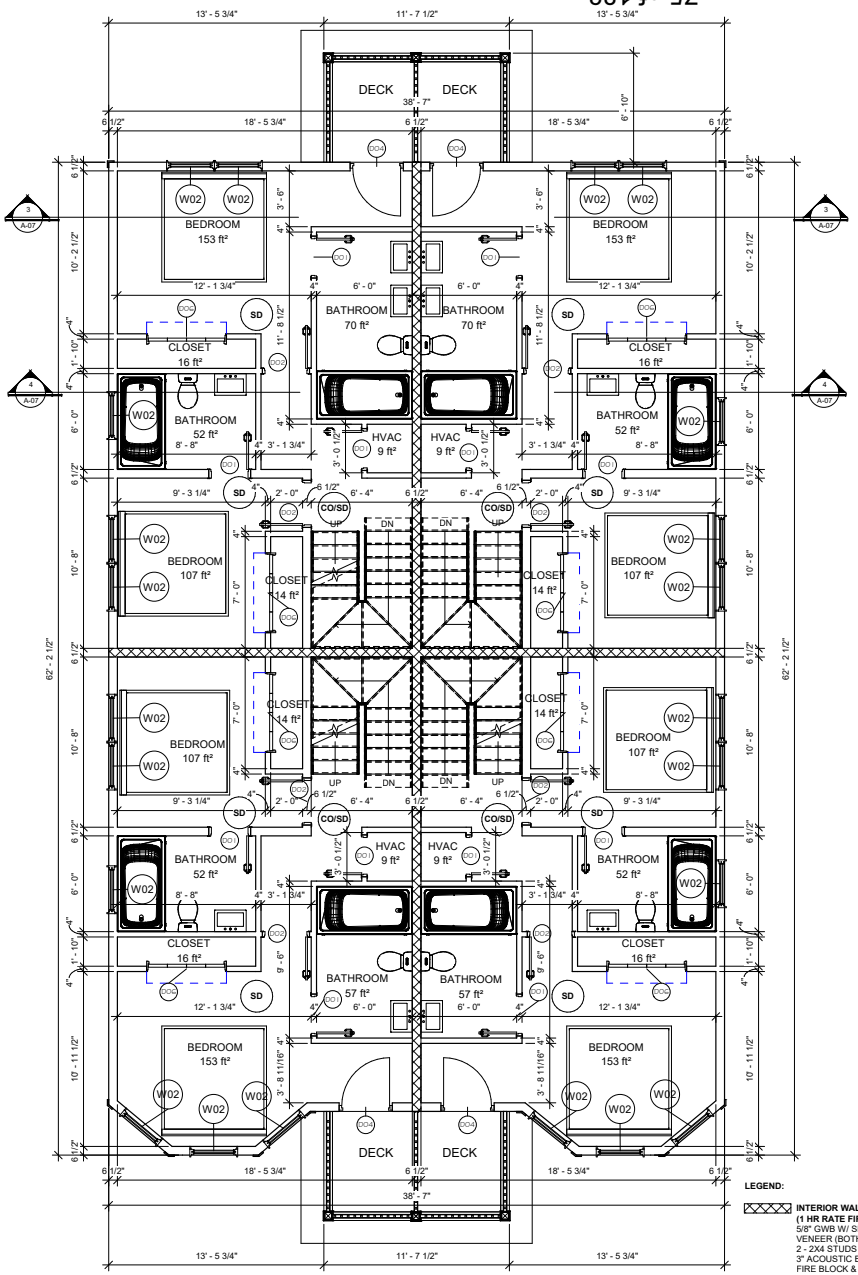
SD SMOKE DETECTOR
CO/SD CONBINED CARBON MONOXIDE & SMOKE DETECTOR

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

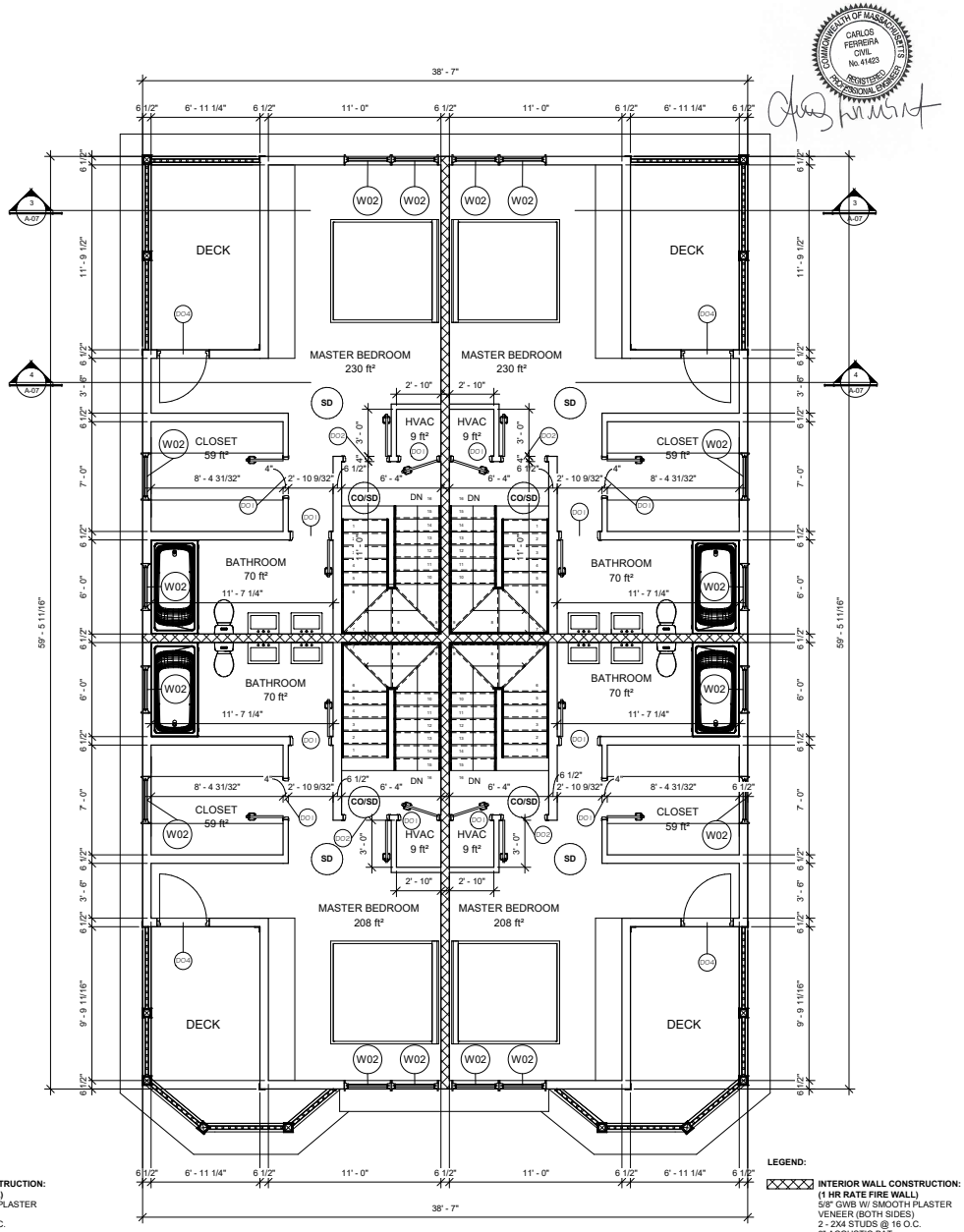
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

DRAWN BY: FLM
AREA: 9143 ft²
SCALE: 1/4" = 1'-0"
DATE: 28/07/2021 17:14:52
SHEET N°: A-04



1 SECOND FLOOR
1/4" = 1'-0"



2 THIRD FLOOR
1/4" = 1'-0"

LEGEND:

INTERIOR WALL CONSTRUCTION:
(1 HR RATE FIRE WALL)
5/8" GWB W/ SMOOTH PLASTER VENEER (BOTH SIDES)
2 - 2X4 STUDS @ 16 O.C.
3" ACOUSTIC BAT
FIRE BLOCK & INSTALL GWB TO UNDERSIDE OF STRUCTURE

SD SMOKE DETECTOR

CO/SD CONBINED CARBON MONOXIDE & SMOKE DETECTOR

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: A-05
SCALE: 1/4" = 1'-0"
DATE: 28/07/2021 17:14:55
DRAWN BY: FLM
AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7251



1 South-East
1/4" = 1'-0"



2 North-West
1/4" = 1'-0"

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: A-06

SCALE: 1/4" = 1'-0"

DATE: 28/07/2021 17:14:59

DRAWN BY: FLM

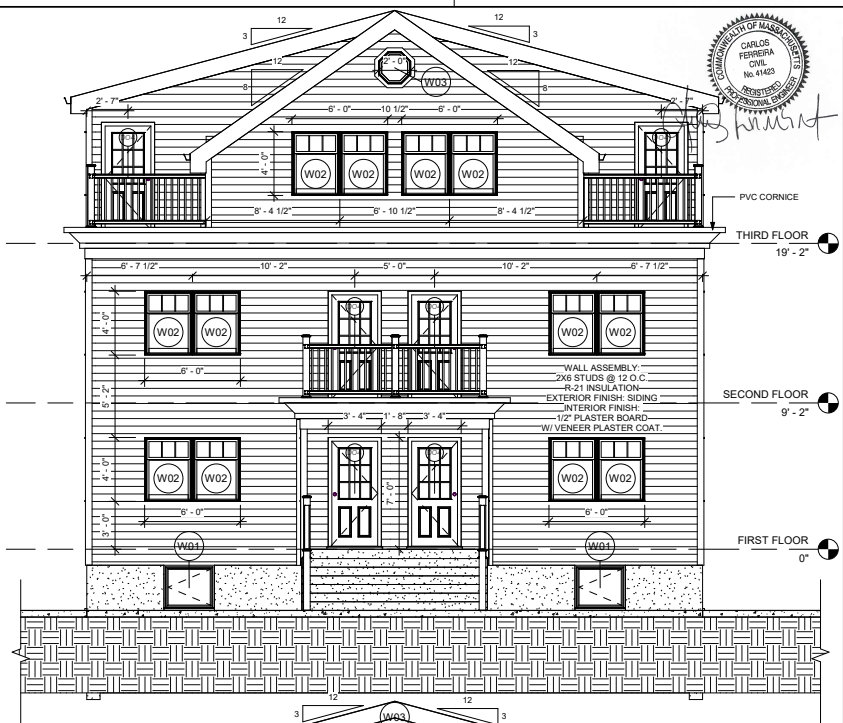
AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261



1 North-East
1/4" = 1'-0"



2 South-West
1/4" = 1'-0"



3 Section 2
1/4" = 1'-0"



4 Section 3
1/4" = 1'-0"

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41463
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: A-07

SCALE: 1/4" = 1'-0"

DATE: 28/07/2021 17:15:05

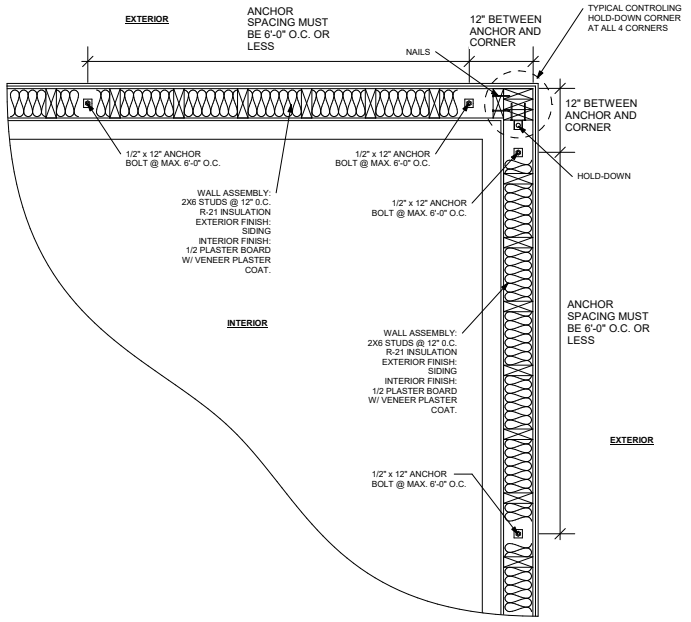
DRAWN BY: FLM

AREA: 9143 ft²

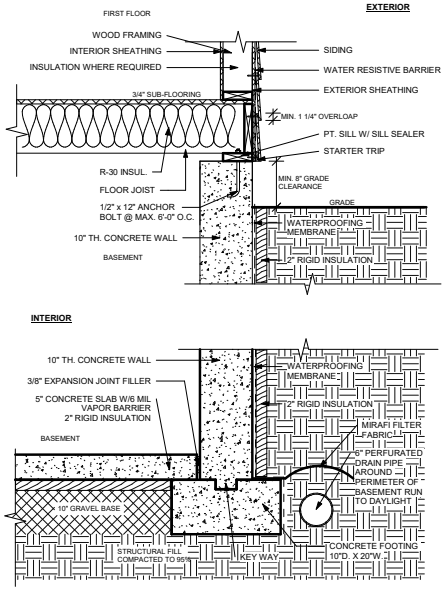
ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261

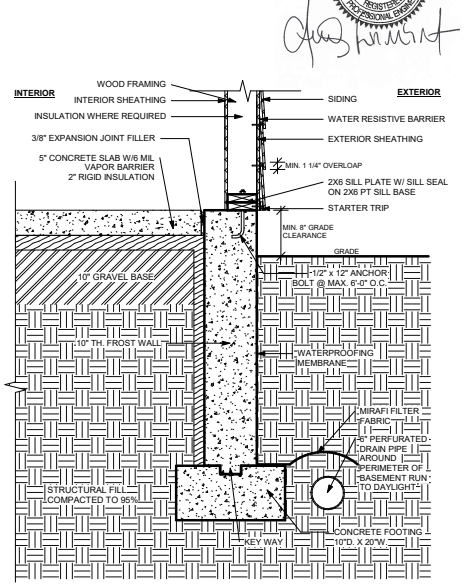
ENGINEERING & DESIGNS



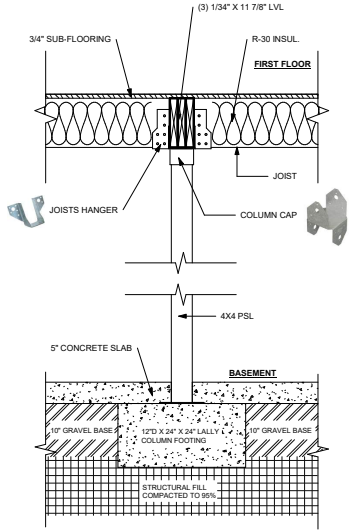
1 ANCHOR BOLTS



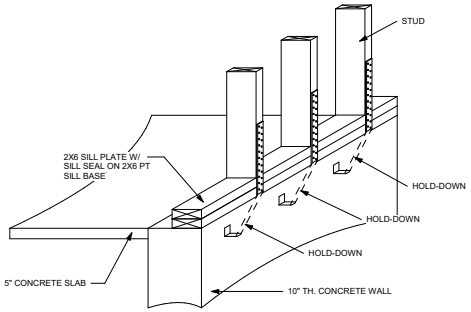
2 TYPICAL FOUNDATION WALL DETAIL



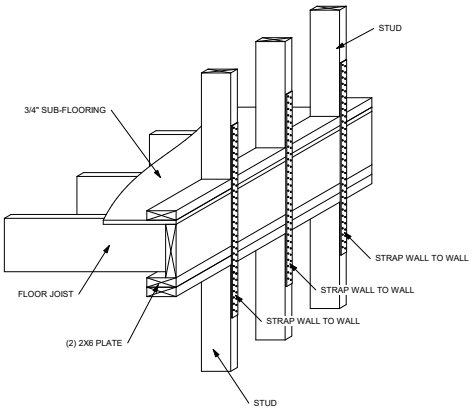
3 TYPICAL FROST WALL



4 TYPICAL LALLY COLUMN FOOTING & TOP



5 TYPICAL HOLD-DOWN IN CONCRETE



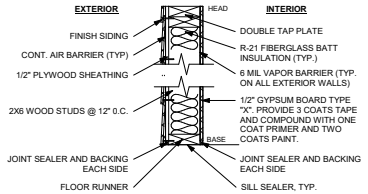
6 TYPICAL STRAP WALL TO WALL

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
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EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7281

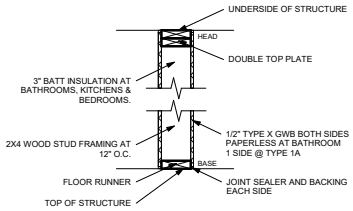
ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

DRAWN BY: FLM
AREA: 9143 ft²
SCALE: 1" = 1'-0"
DATE: 28/07/2021 17:15:05
SHEET N°: A-08



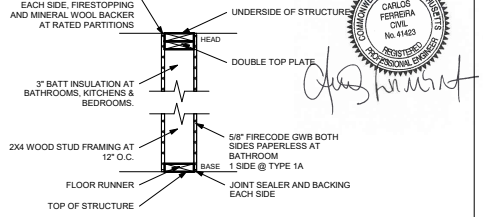
PROPOSED EXTERIOR WALL ASSEMBLY:
2X6 STUDS @16 O.C.
R-21 INSULATION
EXTERIOR FINISH:
SIDING
INTERIOR FINISH:
1/2" PLASTERBOARD
W/ VENEER PLASTER COAT

7 TYPICAL EXTERIOR WALL



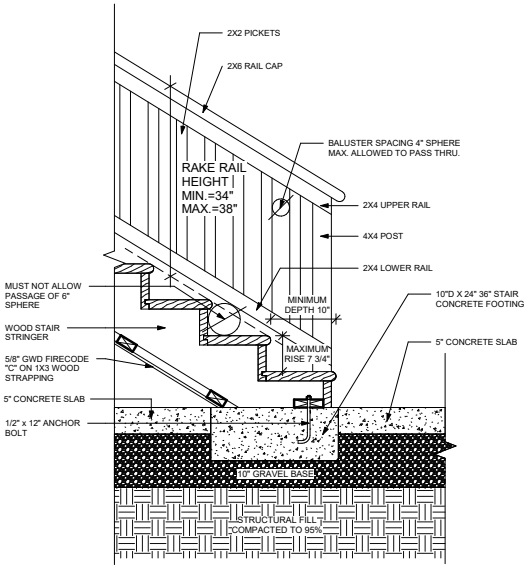
PROPOSED INTERIOR WALL CONSTRUCTION:
(EXCEPT 1 HR RATED WALLS)
1/2" GWB W/ SMOOTH PLASTER
VENEER (BOTH SIDES)
2X4 @ 16 O.C.
3" ACOUSTIC BATT @ ALL
BATHROOMS / BEDROOM WALLS
USE 2X6 WHERE REQUIRED FOR
PLUMBING DRAINS

8 TYPICAL INTERIOR WALL

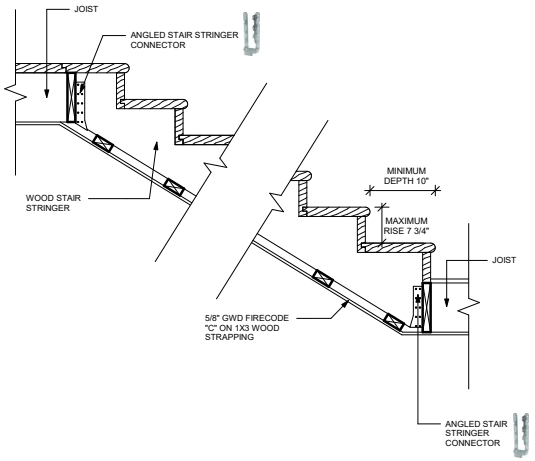


INTERIOR WALL CONSTRUCTION:
(1 HR RATE FIRE WALL)
5/8" FIRECODE GWB W/ SMOOTH PLASTER
VENEER (BOTH SIDES)
2X4 STUDS @ 16 O.C.
3" ACOUSTIC BAT
FIRE BLOCK & INSTALL GWB TO
UNDERSIDE OF STRUCTURE

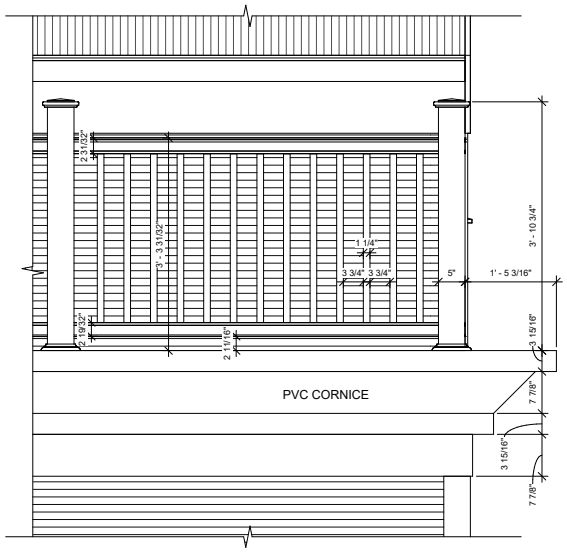
9 TYPICAL 1 HR RATED INTERIOR WALL



10 TYPICAL STAIR SECTION FOOTING



11 TYPICAL STAIR SECTION

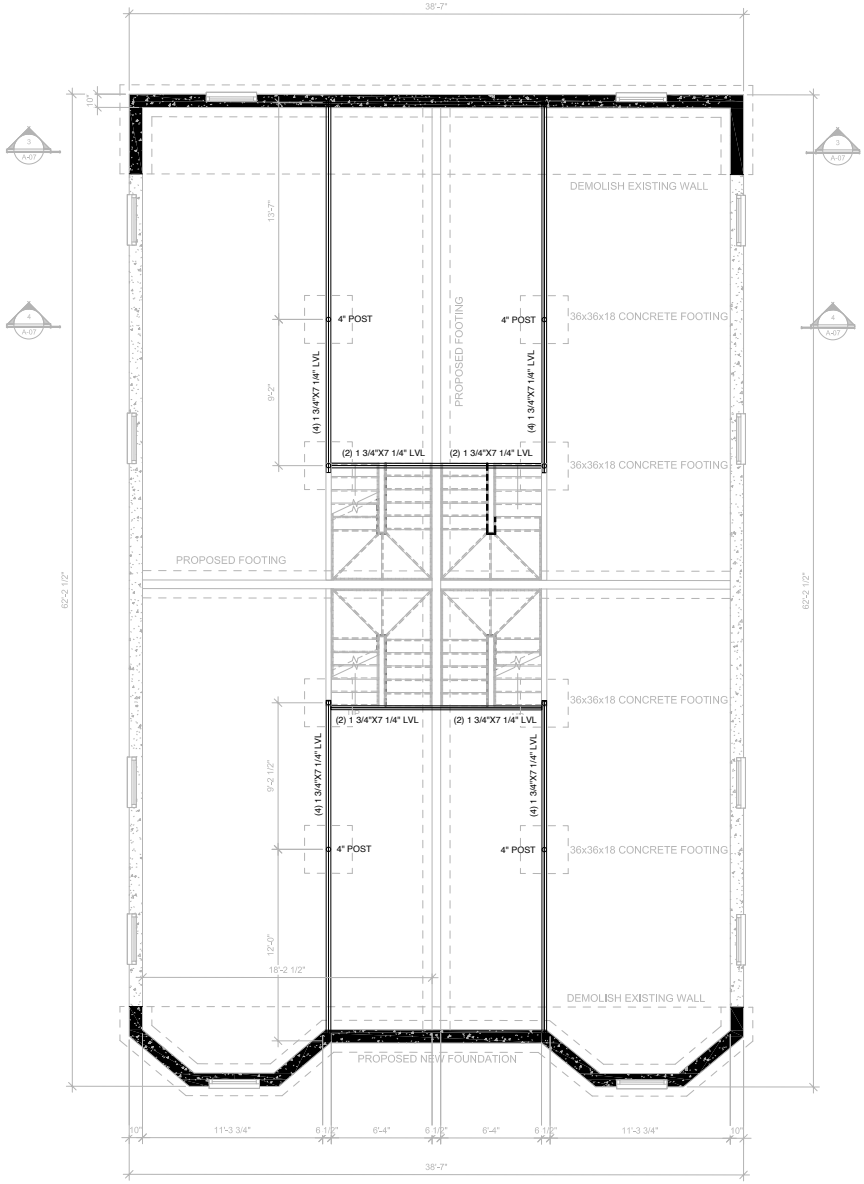


12 DETAILING RAILING & CORNICE

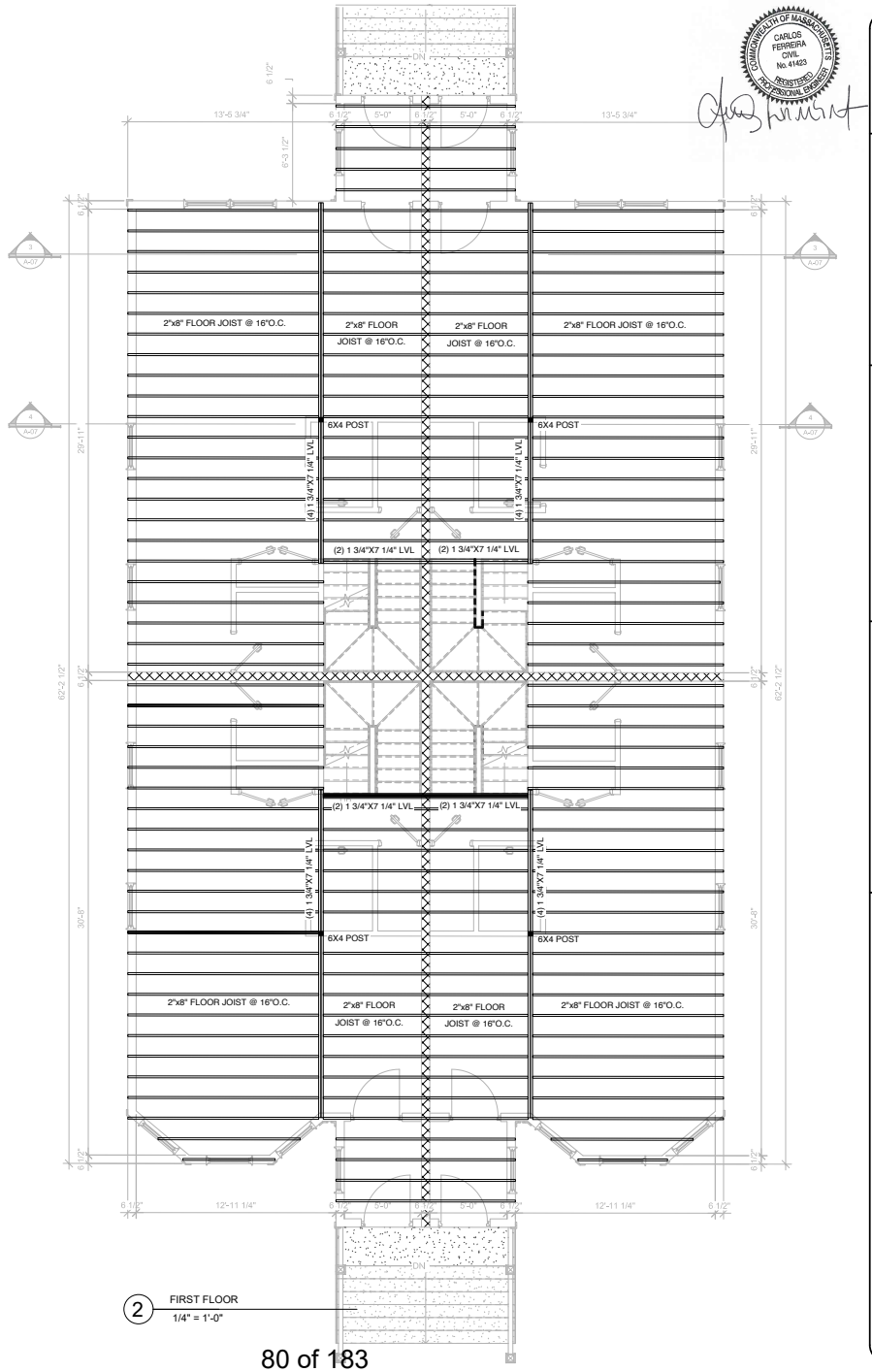
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7281

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

DRAWN BY: FLM
AREA: 9143 ft²
SCALE: 1" = 1'-0"
DATE: 28/07/2021 17:15:06
SHEET N°: A-09



1 BASEMENT
1/4" = 1'-0"



2 FIRST FLOOR
1/4" = 1'-0"

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

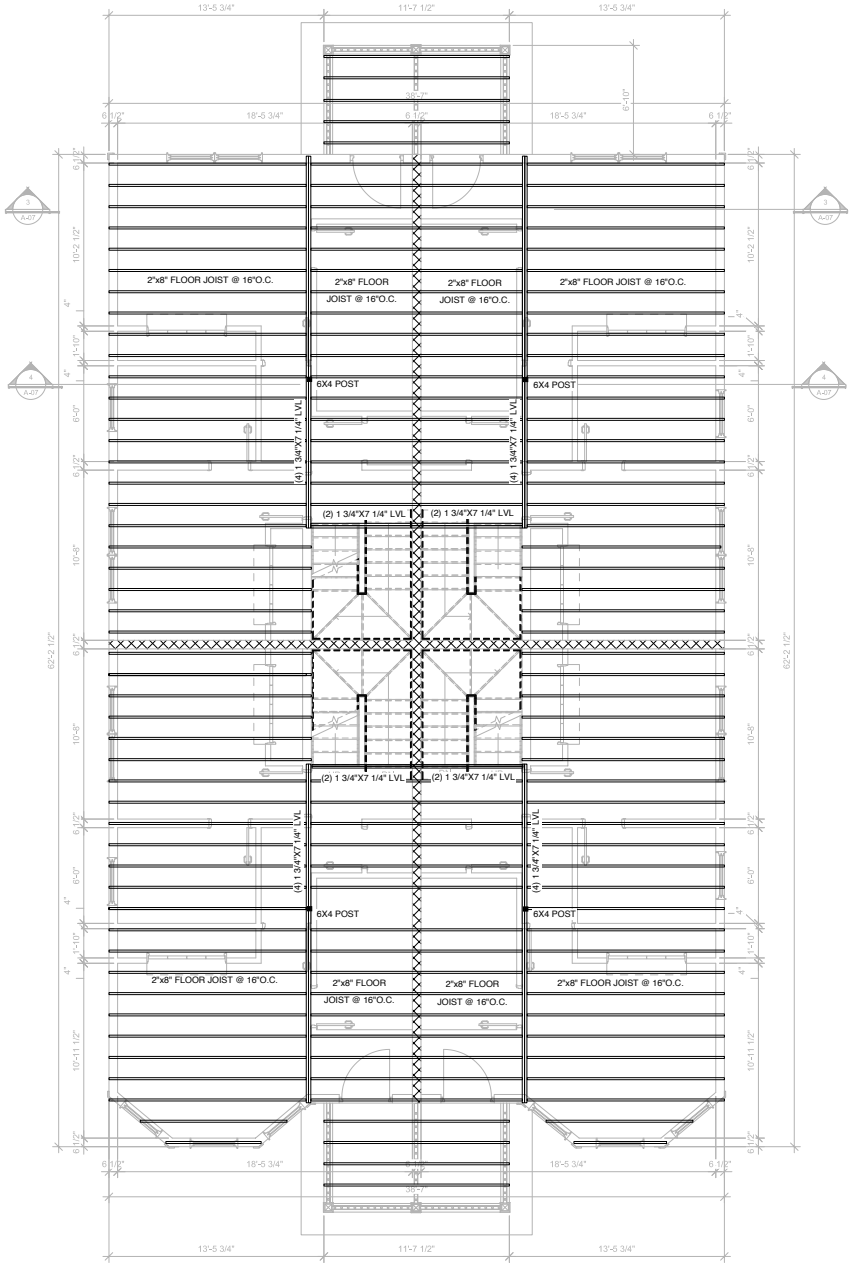
MF ENGINNERING & DESIGN INC.
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WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7281

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

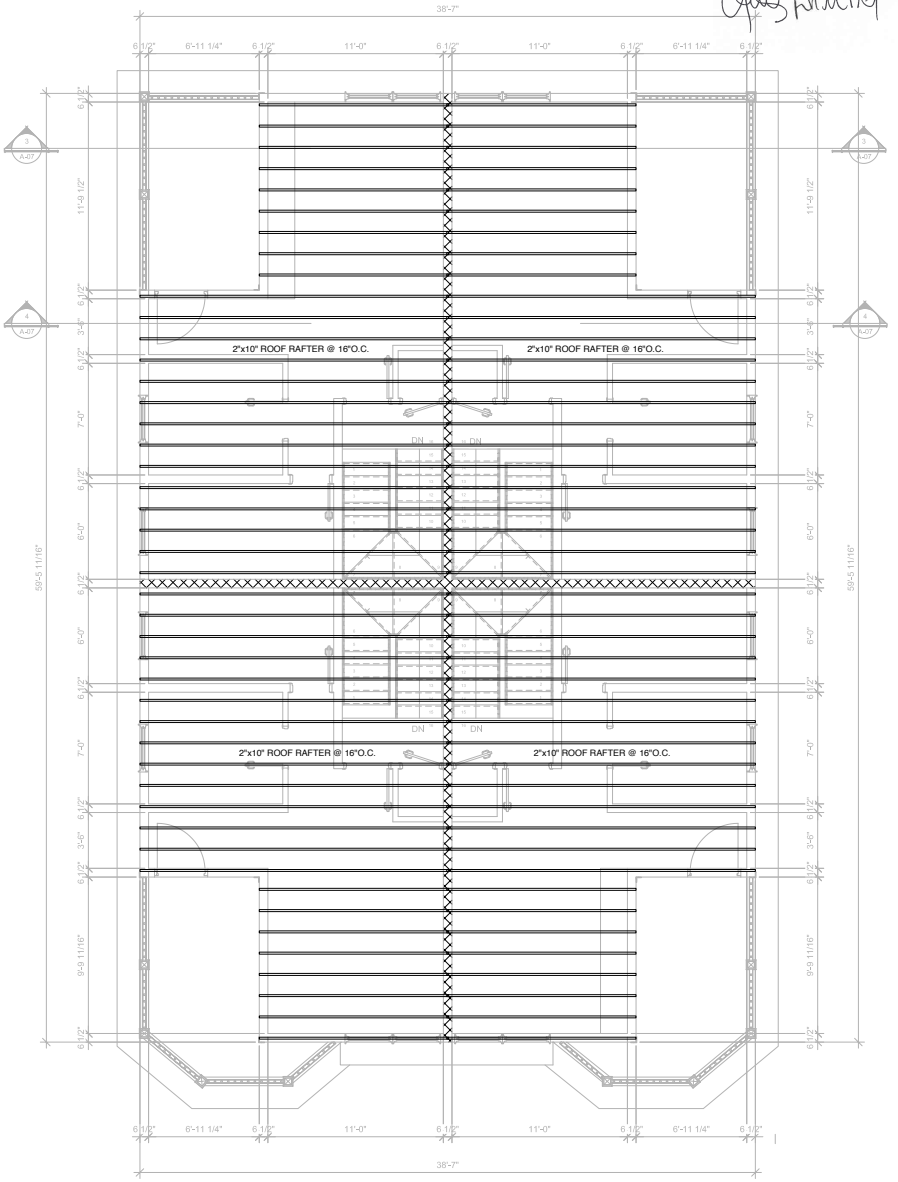
DRAWN BY: FLM
AREA: 9143 ft²

SCALE: 1/4" = 1'-0"
DATE: 28/07/2021 17:15:06

SHEET N°: S-01



1 SECOND FLOOR
1/4" = 1'-0"



2 THIRD FLOOR
1/4" = 1'-0"

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: S-02
SCALE: 1/4" = 1'-0"
DATE: 28/07/2021 17:15:06
DRAWN BY: FLM
AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261

Table – Neighborhood Property Massing and Density Table

Address	# of Units	Lot Size	Gross Area	*Ratio*	Gross Area Per Unit
28 Belknap St	6	8,851	12,114	*1.37*	2,019
15 Marion Rd	2	4,822	5,874	*1.22*	2,937
18-20 Belknap Street	4	7,824	9,143	*1.17*	2,286
14-16 Belknap St	6	6,909	8,010	*1.16*	1,335
31 Linwood St	1	2,640	3,019	*1.14*	3,019
13-15 Belknap St	4	7,440	8,502	*1.14*	2,126
18 Marion Rd	2	4,848	5,476	*1.13*	2,738

Address	# of Units	Lot Size	Gross Area	Ratio	*Gross Area Per Unit*
31 Linwood St	1	2,640	3,019	1.14	*3,019*
15 Marion Rd	2	4,822	5,874	1.22	*2,937*
18 Marion Rd	2	4,848	5,476	1.13	*2,738*
18-20 Belknap Street	4	7,824	9,143	1.17	*2,286*
13-15 Belknap St	4	7,440	8,502	1.14	*2,126*
28 Belknap St	6	8,851	12,114	1.37	*2,019*
14-16 Belknap St	6	6,909	8,010	1.16	*1,335*

Pictures – Abutting and Neighborhood Properties


13-15 BELKNAP
(4 UNITS)
13R
15R


14-16 BELKNAP
(6 UNITS)


17-19 BELKNAP
(2 UNITS)
13R
15R

18-20 BELKNAP
(4 UNITS)

22-24 BELKNAP
(2 UNITS)




21-23 OELKNAP
(2 UNITS)


28-30 BELKNAP (6 UNITS)
90 of 183

17 LINWOOD (2 UNITS)



17 LINWOOD (2 UNITS)




CONFORMING FRONT
SETBACK


CONFORMING FRONT SETBACK
SHEATHING

Town of Arlington
Legal Department

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Arlington Redevelopment Board;
Jennifer Raitt, Director of Planning and Community Development

From: Douglas W. Heim, Town Counsel DWH

Date: August 13, 2020

Re: Opinion Re: Scope and Limits of ARB Authority

I. Summary

As the Board may recall from a previous memoranda and communications with the Board, or between this Office and interested Town residents shared with you, a frequent subject of interest has been the scope of the Arlington Redevelopment Board's (ARB) authority to waive, modify, or otherwise adjust requirements of the Zoning Bylaw in its Environmental Design Review ("EDR") process.

The ARB is a unique body of limited, but special jurisdiction, functioning as a Redevelopment Authority, Planning Board, and Special Permit Granting Authority (SPGA) through the lens of Environmental Design Review ("EDR") as codified in the Zoning Bylaw.[1] It derives its authorities from The Town Manager Act; G.L. c. 40A; G.L c. 121B; and the Zoning Bylaw. Setting aside its other functions of a Planning Board, the ARB hears approximately 10 percent of the Town's special permit applications, all of which involve commercial, industrial, larger scale residential, or mixed uses "which have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare," within a more rigorous, but also more flexible and subjective process *in addition to* the already substantial special permitting criteria process established for predominantly (though not exclusively) residential uses currently governed by the Zoning Board Appeals ("ZBA") standards and process.

As set forth in further detail below, special permits processes governed by EDR were and are by design tethered to the stated purposes of the Zoning Bylaw and the ARB's specific primary mission to redevelop the primary business corridors of Arlington. To that end, the EDR framework is distinct from as-of-right or even the aforementioned standard special permitting process. In addition to the general special permit considerations, Section 3.4 of the Zoning Bylaw (nearly identical to EDR as first articulated in the 1970s) sets forth a series of further qualitative criteria which must be assessed and balanced to broadly achieve the sometime harmonious and competing purposes codified in the Zoning Bylaw, including ARB goals and policies. EDR further explicitly acknowledges that flexibility is essential to its process, encouraging creativity and innovation rather than strict adherence to standards.

As such, EDR decisions of the past have altered, or exempted criteria or even articulated the standards as non-applicable in recognition of some of the fundamental challenges in applying dimension and density regulations to redevelopment of historically previously developed properties. These decisions are based in part upon the authority conferred under G.L. c. 40A sec. 9 to develop not only standards and processes, but to exceed or waive them in the discretion of a SPGA. *See e.g. Auburn v. Planning Bd. of Dover, 12 Mass. App. Ct. 998, 429 N.E.2d 71 (1981)*(affirming "the right of a town to "adopt reasonable flexible methods... of allowing boards of appeals to adjust zoning regulation to the public interest in accordance with sufficiently stated standards") *quoting Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25, 31 (1970).

It bears recognition that in the intervening decades since EDR was introduced, various zoning bylaw provisions were inserted or amended offering for example "bonuses" for special permit applicants accompanied by limitations on said bonuses which were not originally applied or intended to apply to EDR permitting. To some degree these provisions highlight incongruities

[1] To my knowledge, the only other hybrid Redevelopment Authority and Planning Board in the Commonwealth is the Boston Planning & Development Agency (BPDA), formerly known as the Boston Redevelopment Authority (BRA). Due to its unique combined jurisdiction, the ARB was formed by Home Rule petition.

within the Zoning Bylaw relative to an EDR process that by its construction did not likely contemplate such bonuses as necessary under c. 40A sec. 9 or its predecessor.[2]

Accordingly the most workable interpretation of c. 40A sec. 9 and Section 3.4 of the Zoning Bylaw in concert with the various limitations articulated with respect to ARB-oriented bonus provisions is that the ARB is an entity possessing substantial discretion and authority to exceed or waive the provisions of the Bylaw, with specific bonus provisions throughout the Bylaw provided as supplemental factors for its analysis when issuing decisions. Where the ARB seeks to waive or exceed a specific parameters set forth in the Zoning Bylaw, it should justify such exceptions or conditions with special permit and EDR criteria, and articulate how such exceptions or conditions in excess of the Bylaw further the purposes of the Bylaw and the Board's stated goals and policies.

II. History & Context of the Development of the ARB & EDR

A. Creation of the ARB & Zoning Reform

The late 1960s and early 1970s presented significant fiscal challenges to the Town. In 1970, then Town Manager Donald Marquis encapsulated a long-term challenge for the Town by presenting four options to alleviate the Town's "overwhelming dependence on the property tax":

1. reduce municipal expenditures;
2. broaden the property tax base;
3. change the property tax structure; and/or
4. develop new sources of revenue.

See Excerpt from 1970 Annual Town Report, at p. 181 (annexed hereto as attachment "A"). In his Annual Report summary, Mr. Marquis highlighted that the tax base is derived from a "primarily residential community with little commercial or industrial property to strengthen its tax base..." *Id.* at p. 185. In an effort to broaden the tax base, Mr. Marquis noted that he would be requesting Town Meeting's approval to create "a local redevelopment board... charged with attracting new revenue producing development to Arlington." *Id.* The report stressed that a redevelopment board was "critical if the town is serious in its desire to keep the tax rate down." *Id.*

Accordingly, the ARB was established within the Town Manager Act by c. 738 of the Acts of 1971 following Town Meeting and the State Legislature's approval. *See* c. 738 of the Acts of 1971, and subsequent 1973 amendment (annexed hereto as Attachment "B"). From its

[2] Indeed the purpose section of the 1975 Bylaw enumerated the "use of incentives, bonuses and design review" as three tools to achieve the Bylaw's goals. 1975 Zoning Bylaw, Section 1.03.

inception, the ARB was empowered as both a redevelopment authority under c. 121B, and a Planning Board for the purposes of G.L. c. 41. *Id.*[3]

Concurrently, the early 1970s were a turbulent time for zoning locally and across the Commonwealth. In Arlington, the Zoning Board of Appeals had consistently registered concerns about its volume of work hearing special permits and variances in its annual reports. Employing the rubric of the Site Plan Review provisions of the December 1971 Zoning Bylaw, the ZBA heard 54 applications the year the ARB was established.[4] *See* Excerpts from the 1975 Annual Report, p. 23 (annexed hereto as Attachment "D"). Meanwhile, in a broader context, a successful effort to revise c. 40A was underway culminating in c. 808 of the Acts of 1975 ("The Zoning Act"), adopted with significant input from both the ARB and the Department of Planning and Community Development and a comprehensively revised Arlington Zoning Bylaw proposed to the 1976 Town Meeting.[5] *Id.* at p. 21.

As noted in the 1975 Annual Report, the Town developed its new Zoning Bylaw with the revised Zoning Act, the Town's charge to the ARB, and the Town's then extant zoning challenges in mind. As written by then Director of Planning and Community Development, Mr. Alan McClennen, "the new zoning bylaw is a modern, land-use management tool designed to encourage efficient and equitable growth patterns in Arlington…[p]rocedures were established to review future major development proposals and insure that any new projects will be compatible with the long term growth of the town." *Id.* The report further emphasized that the 1975 Zoning Bylaw's EDR provisions would "provide for the permit-granting authority for complex projects to be transferred to the Arlington redevelopment board [sic] for detailed environmental review as required." *Id.*

B. EDR in the 1970s Bylaw & Later Developments

As codified in the 1970s, EDR was classified under "Special Regulations" Section 11.06 and stated *inter alia* that the purpose of such regulations is:

> "[T]o provide individual detailed review of certain uses and structures which have a substantial impact on the character of the town and upon traffic, utilities, and property values therein, thereby affecting the public health, safety and general welfare thereof. The environmental design review process is intended to promote the specific purposes in Section 1.03 of this Bylaw."

[3] The ARB's powers and authorities were clarified and expanded shortly thereafter by c. 731 of the Acts of 1973 (affording the ARB all the powers of a Planning Board save the duties of a board of survey). *See* Attachment "B."

[4] For an overview of the ZBA's then site plan review process, *see* Section 15-3.5, December 1971 Zoning Bylaw (annexed hereto as attachment "C.")

[5] The effective date of the Zoning Bylaw was October 8, 1975, though it was approved by the 1976 Town Meeting.

The "specific purpose" of Section 1.03 of the 1975 Bylaw is the same as it is in 2020:

> *"...to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, **with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.**"*[6]

Emphasis added.

To that end, the original Bylaw presented (11) additional qualitative criteria for special permits from the ARB such as "Relation of Buildings to Environment," "Open Space,"[7] "Heritage" and "Special Features." These criteria were specifically highlighted to serve as "a frame of reference for the applicant... as well as a method of review for the reviewing authority." Sec. 11.06(f), 1975 Zoning Bylaw.[8] The Bylaw then (and now) cautioned that the standards at work and as noted above, "shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention, and innovation." *Id.*

In contrast, while general special permit regulations set forth in Section 10.11 applied to both ZBA and ARB, 1970s-era Zoning Bylaws approached ZBA special permitting in a different manner, specifically prescribing "bonuses" and other incentives for matters within ZBA jurisdiction, but also establishing clear limitations of those bonuses. For example, in its original articulations neither Section 6.05 "Exceptions to Dimensional Requirements for Uses 2.05 and 2.07" or Section 6.12 "Exceptions to Maximum Floor Area Ration Regulations (Bonus Provisions)" within the 1975 Bylaw made any reference to the ARB or EDR. Rather, both of these bonus provisions were anchored specifically to the ZBA's special permitting process and standards. Similarly, Section 6.29 of the 1975 Bylaw authorized the ZBA through a special permit to count balconies and roofs as open space, but the ARB was not referenced.

This bifurcated approach to special permitting whereby the ARB provided a more rigorous, but flexible EDR, and the ZBA engaged in more conventional special permit review with specific bonuses and incentive provisions is evident in language Section 10.11 added in

[6] Section 1.03 of the Zoning Bylaw of October 1975; Section 1.2 of the Zoning Bylaw of February 2018 (and as subsequently amended).

[7] While "Open Space" requirements for example appeared in Bylaw tables, both the 1970s vintage and current EDR criteria set forth a more qualitative standard, asserting "All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance."

[8] Sustainable Building and Site Design was added as the 12th EDR standard in 2008.

1979. As maintained until the 2018 Recodification of the Zoning Bylaw, the 1979 addition stated that uses that come under EDR are "subject to the applicable conditions set forth in Article 11 of this Bylaw and elsewhere and subject to *other appropriate conditions safeguards, grant of special permit for such uses or conditions and no others,*" but without ARB or EDR references outside of sections 10.11 and 11.06. Emphasis added.

The clear implication from the intent and structure of EDR and special permit decisions rendered by the ARB of such vintage is that the ARB's mission and toolkit was highly discretionary in both imposing conditions and granting relief. In the decades that followed however, it appears that such a distinction would be muddled in the Bylaw text.

Section 7.09 of the 1975 Bylaw offers a clear cut example. That section provided for relief from the certain provisions of sign regulations via special permit from the ZBA. The ARB was clearly contemplated when the bylaw was created because the text of Section 7.09 asserted that the ZBA was to receive comments from the ARB and Department of Planning and Community Development prior to making a permit decision. However, no authority relative to sign regulation relief was granted (or limited) relative to the ARB. This lack of reference was likely not because it was never considered that the ARB would have to make determinations on signage, but rather because that authority was viewed as already conferred to the ARB under EDR.

By 1991 however, the ARB was under the impression that it needed to specifically be included in a swath of references to special permit granting authority provisions throughout the bylaw despite references to its authority as same throughout the aforementioned bylaw provisions. Among a suite of insertions of references to the ARB forwarded to Town Meeting with "no comments from the public," was an update to Section 7.09, which now included the ARB as a SPGA subject to 7.09. *See*, Report and Recommendation of the ARB on Article 12 of the 1991 Town Meeting (annexed hereto as attachment "E").

The impact of simultaneously affording an atypical EDR process (later described as "super site plan review" by the 2015 Master Plan) and employing a more conventional set of special permit regulations has led to understandable tensions and perhaps unintended consequences whereby EDR may be viewed as a mechanism that affords the Board with only stricter, additional standards, without the benefit of any flexibility or discretion.

III. Analysis

The issue of concern in discussion is twofold. First, is the matter of whether or not EDR and other provisions of the Zoning Bylaw afford the Board any discretion whatsoever to make exceptions, heighten, or otherwise adjust requirements set forth in specific dimensional, density, or special regulations. Second, if such authority exists, what are the guidelines and limitations of such discretion?

G.L. c. 40A sec. 9 vests SPGAs with the authority to grant special permits of a "traditional sort," including allowance of specific uses as well as dimensional configurations as well as special permits for more innovative uses. *Stroscio v. Gordon*, 3 LCR 51, 55 (Mass. Land Ct. 1995)(internal citations omitted). As noted by the Supreme Judicial Court, a special permit process is by its very nature discretionary, such that an SPGA "may deny a [permit] even if the facts show that a permit could lawfully be granted." *Zaltman v. Board of Appeals of Stoneham*, 357 Mass. 482, 484, 258 N.E.2d 565 (1970); *Britton v. Zoning Board of Appeals of Gloucester*, 59 Mass.App.Ct. 68, 74, 794 N.E.2d 1198 (2003). Hence, the use of special permits as not only a means of controlling, but also accomplishing the purposes of zoning ordinances is a common, judicially-approved practice. *MacGibbon v. Board of Appeals*, 356 Mass. 635, 637 (1970).

To that end, courts have long held that site plan review is substantively and procedurally consistent with the provisions of G. L. c. 40A, § 9,[9] and further that it is within the right of a town to "adopt reasonable flexible methods... of allowing boards of appeals to adjust zoning regulation to the public interest in accordance with sufficiently stated standards."[10] *Auburn v. Planning Bd. of Dover*, 429 N.E.2d 71, 73 (Mass. App. Ct. December 16, 1981) *quoting Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25, 31 (1970).[11]

Discretion to adjust or waive standards is not unlimited, insofar as a bylaw cannot "confer unrestrained power to grant or withhold special permits by the arbitrary exercise of that discretion." *See* e.g. *MacGibbon v. Board of Appeals of Duxbury*, 356 Mass. 635, 638 (1970). However, restraint should not be conflated with a mandate for particularity where sufficient standards are articulated. *Auburn*, 429 N.E. 2d at 73.

[9] This holding is especially important because site plan review is widely employed throughout zoning ordinances in the Commonwealth without a specific textual source of authority in c. 40A, like EDR.

[10] As the *Stroscio* Court notes, paragraphs 2, 3, and 4 of c. 40A section 9 specifically authorize exceptions to a variety of zoning requirements in exchange for amenities or conditions which serve community interests.

[11] The *Auburn* holdings are also more broadly applied to other types of special permitting and SPGAs.

A. Authority

Applied to the first issue presented, it is evident from the text of the bylaw, as well the legislative intent both behind the creation of the ARB and the 1975 Zoning Bylaw, that the ARB is a special permit granting authority vested with the responsibility and discretion to employ qualitative standards rather than simply apply tables of regulations. The language expressed in EDR's provisions invites creativity and innovation as well as a potential exchange of relaxed requirements for conditions of stated value to the Board and community.

In furtherance of the Bylaw's purposes and charge to the ARB, Section 3.4 of the Zoning Bylaw establishes the EDR process to "provide individual detailed review of certain uses and structures that have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare;" while "promot[ing] the purposes in Section 1." Of particular note in the context of the ARB's authorities are its charges to "encourage the most appropriate use of land throughout the Town;" and "achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses *and* design review." Emphasis added. Indeed, all special permits are explicitly authorized to place conditions on permits that may exceed requirements as set forth in the bylaw. *See* Sec. 3.3.4 of the 2018 Zoning Bylaw (as amended).

Previous EDR decisions highlight the purpose and utility of both the power to place conditions atypical of traditional special permitting and to use such conditions to modify or carve out exceptions to zoning bylaw requirements, particularly given the status of so many Town properties as already built-out and developed prior to the enactment of modern zoning laws.

For example, in the December 13, 2010 Special Permit for Docket No. 3386, (30-50 Mill Street, also known as "The Brigham's"), the ARB noted that there was no existing usable open space on the site of the previous Brigham's Ice Cream Headquarters under EDR criteria number 3 (3.4.4(C) in the 2018 Bylaw). Accordingly, it set forth as a special condition the obligation to maintain a publicly-accessible landscaped walking path and improvements to a Town-owned "pocket park" as a way of satisfying both EDR and open space requirements. The flexibility afforded enabled the applicant to meet other criteria including parking requirements (which included permission to lease 23 spaces from an adjacent property owner), while provide significant public benefit not contemplated by a traditional special permitting process. *See* Decision Re: Docket No. 3386 (annexed hereto as Attachment "F")

In a more extreme circumstance, in the 2013 re-opening of a 1994 Special Permit for 319 Broadway (known as "Common Ground") the ARB granted outright exceptions to EDR criteria for "Preservation of Landscape" and "Open Space" in recognition of the context of the proposed development. As the Board noted, "The site is fully developed... [n]o landscaping exists on this site... [t]his standard is not applicable;" and "[t]he Board finds this standard met." The Board also determined that 29 of the 49 parking spaces required under the Zoning Bylaw would be met by the Town's municipal lot (and that the remaining 20 were provided a certain level of protection that predates applicable zoning restrictions and were allowed under the prior special permit). The Board did however place special conditions requiring parking mitigation and

required sound-proofing of Common Ground's function room, which was highlighted as an attractive commercial offering for Arlington Center and adjacent businesses. *See* Decision re EDR Docket No. 2911, (annexed hereto as Attachment "G").

B. Limitations

Foremost, it bears highlighting the straightforward limitations relative to EDR by virtue of its status as a specific special permit vehicle. In order to be eligible for EDR the proposed use or structure must be noted on the list of applicable items in Section 3.4.2. Similarly, an EDR applicable use or structure not tethered to a specific geographical location must be allowed within a given district by the table of uses. As alluded to previously, the ZBA maintains a higher workload; the ZBA received approximately twenty (20) petitions in 2019 for special permits or variances, while the ARB held hearings on 5 special permit applications, four of which were renovations to existing spaces or signage related, and only one of which presented a new redevelopment.

Second, the apparent conflict between EDR's more flexible nature and specific zoning "bonus" provisions and related limitations codified since the 1990s while problematic cannot be entirely disregarded. To the extent the Bylaw prescribes a specific parameter, including limitations, for incentives and bonuses, those parameters ought to be given considerable weight.

With that acknowledgement that, "a statute or ordinance should not be construed in a way that produces absurd or unreasonable results when a sensible construction is readily available; nor should an enactment be construed in such a way as to make a nullity of pertinent provisions." *Manning v. Bos. Redevelopment Auth.*, 400 Mass. 444, 453 (1987); citing *Green v. Board of Appeal of Norwood*, 358 Mass. 253, 258 (1970)("[z]oning by-laws must be construed reasonably [and] should not be so interpreted as to cause absurd or unreasonable results when the language is susceptible of a sensible meaning"); *Insurance Rating Bd. v. Commissioner of Ins.*, 356 Mass. 184, 189 (1969). Here, to entirely divest the ARB of its ability to "encourage the most appropriate use of land throughout the Town" through the thorough but flexible EDR process because later added bonus and incentive provisions were meant to shore up its special permit granting authorities would be an absurd outcome and may defeat the primary purpose of the ARB.

EDR by its detailed nature provides the very considerations and limitations contemplated by Courts by giving applicants and the Board a set of twelve criteria to satisfy in addition to the seven (7) requirements of all special permits. As highlighted in the examples of ARB EDR Decisions above, these criteria are applied both within a context and in balance with one another. The ARB must be able to articulate how each criteria was considered and its findings on same. And as the above referenced decisions illustrates, where exceptions or adjustments to bylaw requirements are made, the Board must demonstrate that conditions provide protections and/or sufficient benefits to the community interests to merit deviation from a provision of the bylaw.

In sum, while EDR pursuant to c. 40A sec. 9 vests broad discretion to provide modifications, or exceptions to dimensional, density and special regulations, the limitation of that discretion is that both the general criteria of special permits (Section 3.3.3) and the very specific criteria of EDR (3.4.4) must satisfactorily address, including, but not limited to by the imposition of conditions that justify such modifications or exceptions.

IV. Sustainability of the Board's Decisions

Before concluding, permit me to note that it is sometimes remarked that a decision in favor or opposition to a specific special permit is likely to incur liability for the Town or be reversed in Court. In brief, while the facts of every case are different, procedurally sound, well-documented decisions that meet the requirements of c. 40A are afforded substantial deference by courts. Courts do not disturb the decisions of SPGAs "unless it is based on a legally untenable ground, or is unreasonable, whimsical, capricious or arbitrary." *Browne v. Zoning Bd. of Appeals of Rockport*, 97 Mass. App. Ct. 1108 (2020) quoting *Roberts v. Southwestern Bell Mobile Sys., Inc.*, 429 Mass. 478, 486, 709 N.E.2d 798 (1999). Similarly, while not absolute, Courts also give deference to a zoning authority's reasonable construction of its own zoning bylaws. *See e.g., Tanner v. Board of Appeals of Boxford*, 61 Mass. App. Ct. 647, 649, 813 N.E.2d 578 (2004) (because the zoning authority is "charged with administration of the by-law, the board's interpretation is entitled to some measure of deference.").

It may well be that further discussion is warranted regarding the Zoning Bylaw in your capacity as a Planning Board, including making recommended zoning amendments to Town Meeting. However, in the meantime, the Board should be confident in its responsibilities and authorities to render the decisions it feels most appropriate to further the purposes of the Zoning Bylaw within a reasonable construction of EDR without angst that some inconsistencies of the Bylaw or the general nature of EDR render its decisions vulnerable to reversal.

V. Conclusion

The ARB was designed to be and remains a body of substantial discretion under its charter legislation, c. 40A and c. 121B and the Zoning Bylaw. Over time, the Zoning Bylaw developed some incongruity between the orientation, process and criteria of EDR and specific bonus and incentive provisions. The inconsistent presentation of those bonus and incentive provisions generates predictable frustrations. Nonetheless, guided in part by both c. 40A sec. 9 and the ARB's prior navigation of its EDR process, the ARB should continue to apply special permit and EDR criteria while considering the bonus provisions as set forth in the Bylaw. As highlighted well in the example Special Permit decisions, where EDRs criteria and/or special conditions offer compelling bases, public benefits, and/or satisfactory protections of public welfare, the Board may, but is not required to act accordingly.

ATTACHMENT "A"

Report of the Town Manager

Once again it is a pleasure to report to you on the activities of the departments under the jurisdiction of the town manager for the year ending December 31, 1970. We urge you and the citizens of Arlington to take this opportunity to peruse this annual report and to review in detail the functions and duties of our town government. It is the intent, in this report, to bring to your attention some of the most important developments in this past year. For detailed information regarding specific departmental activities, we refer you to the respective reports.

Financial Condition

The 1970 annual town meeting appropriated a total of $17,651,259.42 for the operation of the town departments and for special projects during the course of 1970. Of this amount, departmental budgets amounted to $16,309,095.42, while appropriations for other warrant articles amounted to $1,342,164. The town was also required to raise an additional $3,156,207.24 for state and county assessments and for the overlay to provide for tax abatements. A breakdown of these expenditures by category of appropriation or assessment is given below in Table I.

Table I

Town of Arlington Expenditures — 1970*

(by category of appropriation or assessment)

	Amount	Percentage of total expenditures
Town Budgets	$16,309,095.42	78.4
Warrant Articles (excluding budgets)	1,342,164.00	6.4
County Tax	818,162.96	3.9
State Tax and Assessments	1,494,639.49	7.2
Overlay and prior year abatement deficit	729,514.48	3.5
Offset to Cherry Sheet estimated receipts	56,519.53	.3
Snow Emergency	57,370.78	.3
Total Expenditures	$20,807,466.66	100.0

*Source: Recapitulation Sheet, Board of Assessors

The town's free cash position as of January 1, 1970 was $251,049.41. The town's free cash position as of January 1, 1971 was $735,332.00. This represents an increase of $484,282.59. This increase is due principally to the earlier mailing of tax bills. During 1969 tax collections were behind schedule as a result of the revaluation and the delayed tax billing.

Revenues

The town manager's 1969 report included a discussion of Arlington's major revenue sources for the five year period from 1965 to 1969. The discussion indicated that most revenue sources available to the town have not expanded to meet the growing costs of providing municipal services. Consequently, the property tax has had to provide a greater proportion of the revenue for municipal services. For the period from 1965 to 1969 the property tax expanded from seventy (70) to seventy-four (74) percent of the town's revenue base. During 1970 this trend not only continued but accelerated. Table II gives a breakdown of the town's revenue structure.

Table II

Town of Arlington Revenues — 1970*

Source	Amount	Percentage of Total Revenue
Real Estate and Personal Property	$16,654,415.86	80.1
Motor Vehicle and Trailer Excise	1,148,874.26	5.5
Water Receipts	586,170.67	2.8
Other Local Receipts	268,859.17	1.3
Taken from Available Funds	473,433.84	2.2
Cherry Sheet — State Aid	1,675,712.86	8.1
Total Revenues 1970	$20,807,466.66	100.0

*Source: Recapitulation Sheet, Board of Assessors

This table indicates that the property tax now provides eighty (80) percent of local revenues. It further indicates that state aid has declined from ten (10) percent to eight (8) percent of the town's revenues from 1969 to 1970.

From Tables I and II one should note that the total local payments to state and county governments exceed the total revenue from the state. It would seem that the concept of state aid to local governments has become meaningless in Massachusetts.

In view of Arlington's overwhelming dependence on the property tax as a source of revenue, the town has four alternatives. These are:

1. to reduce municipal expenditures
2. to broaden the property tax base
3. to change the tax structure
4. to develop new sources of revenue

This report will focus on each of these four alternatives since it is these alternatives which have set and will continue to set the guide lines for debate and policy formulation in municipal government.

1. To reduce municipal expenditures

The Town of Arlington expended nearly twenty-one (21) million dollars in 1970. This money provided for a wide spectrum of municipal services. A breakdown into major functional areas of expenditure for these services is given below in Table III.

Table III

Town of Arlington Expenditures — 1970*

(by function)

General Administration	$ 657,709.30	3.16
Planning and Community Development	127,092.06	0.61
Public Works and Engineering	3,481,057.94	16.72
Police	1,104,563.00	5.31
Fire	1,282,732.00	6.17
Properties and Natural Resources	457,787.47	2.20
Education	8,780,303.00	42.20
Libraries	495,944.00	2.38
Human Resources	746,914.11	3.69
Pensions, Insurance and Collective Bargaining	1,367,864.69	6.58
Overlay (for Abatements)	729,514.48	3.46
Transportation (MBTA)	595,415.00	2.87
County Government	818,162.96	3.94
Other	148,880.85	0.71
	$20,807,466.66	100.00

*Source: Report of the Finance Committee (1970) and Recapitulation Sheet, Board of Assessors.

The largest category of municipal expenditures is for education, represents 42.2% of the total municipal expenditures. This is follow public works and engineering (16.72%), pensions, insurance and coll bargaining (6.58%) fire (6.17%), and police (5.31%).

With this money the town provides its residents with an educationa tem of fifteen (15) schools instructing about 9,400 students; three (3) lib eighteen (18) playgrounds, and a cemetery. In addition, it maintains ap mately 125 miles of streets, sidewalks, water lines, storm and sanitary and approximately 15,000 trees. It operates seven (7) fire companies w total force of one hundred twentyone (121) firemen and a police force of ty (90); both of these providing 24 hr./day — 7 day/week services. Furt more, the town provides counseling, inspection, health, drug treatment, ans' assistance, and record keeping services for the townspeople. Beyon the town subsidizes the operation of the Metropolitan Mass Transit Sy and the operation of county government.

The above is just a brief summary of the services provided by local ernment. Within each of the areas mentioned one could easily point ou eral more specific services.

There are two ways of reducing municipal expenditures: 1) increasing operating efficiency of the organization making the expenditures and creasing the number of services provided with those expenditures. Eac these approaches deserves some consideration.

A. Increasing the organizational operating efficiency

The government of the Town of Arlington is structured by two legislati acts: the Town Manager Act of the Town of Arlington, Massachusetts, a the Representative Town Meeting Act. Under these Arlington has a legislati body (the town meeting) presided over by an elected moderator. It has elective administrative bodies or officers (board of selectmen, school comm tee, board of assessors, treasurer-collecter, town clerk and housing authority each of which is charged with a specific area or areas of responsibility. board of selectmen appoint a town manager who is charged with responsibi for most of the operating departments of the town. Finally, the town meeti may designate specific committees to undertake special projects and appro priate funds for use by such committees.

With this governmental structure, authority over municipal expenditure is not concentrated in one body or individual but rather is diffused among great number of official bodies and individuals. This pattern of diffused au thority is reinforced by the various state designated agencies and authoriti whose bills are paid by municipalities. A breakdown of this authority pattern in terms of municipal expenditures is provided below in Table IV.

TABLE IV

Town of Arlington Expenditures — 1970
(by spending authority)

Spending Authority	Amount	Percentage of total Expenditures
School Committee	$8,780,303.00	42.20
Selectmen and Manager	8,362,416.70	40.19
Metropolitan District Commission	888,068.82	4.27
County Commissioners	818,162.86	3.94
Board of Assessors	767,665.28	3.69
M.B.T.A.	595,415.00	2.87
Treasurer-Collector	233,052.00	1.12
Town Clerk	113,463.00	.54
Finance Committee	81,470.00	.39
Revenue — overestimate deficit	56,519.53	.27
Drug Committee	51,391.28	.24
Personnel Board	18,827.00	.08
Other (includes regional special districts, state auditing and billing charges, appropriation to veterans' groups, reserve fund balance)	41,212.00	.20
	$20,807,466.66	100.00

the school committee and the selectmen & town manager each controls ximately forty percent (40%) of municipal expenditures. The remaining percent (20%) is controlled by a variety of local, state and regional of officers.

town manager originally had over twenty separate departments ic jurisdiction. As part of a program to streamline the organizational ure of municipal government in Arlington, the town manager has been olidating the smaller departments into new large scale departments ide responsibility for municipal services in specific areas. In 1969 the ment of planning and community development was established, followed by the department of properties and natural resources. In addition, 1970 the town manager proposed the establishment of a department man resources, which would combine the departments of youth services, ation, veterans' services, health, and weights and measures and would l proposals at the state and federal levels.

The intention in streamlining the governmental structure in Arlington introduce greater operating efficiency into the organization. This can be mplished through the pooling of personnel, equipment, and material re- ces through the introduction of new management skills and techniques, through the evaluation of existing practices and programs.

Already in the two years since the new program of consolidation was be- several achievements have been recorded. The department of planning community development has instituted a new permit and inspection fee dule, put forth new fire and building codes, and initiated a new concept planned-unit development zoning. The department of properties and natural ources has improved timekeeping and reporting procedures and is currently rimenting with programs of vandalism reduction, fire prevention, and ractual cleaning of buildings.

The efforts of these departments will be helpful in keeping costs down, as was pointed out in Table IV, expenditures under the selectmen and wn manager represent only forty percent (40%) of the total local expendi- ures. Unless the other sixty percent (60%) of the expenditures are kept wn, the effect of cost efficiencies in the manager's budget will be wiped out.

B. Reducing municipal services

Another way of reducing municipal expenditures is to eliminate some of the services which the town is presently providing and reject any proposals for new services. The decision to eliminate existing services is not an easy one. Many of the existing services are maintenance services, and to eliminate or postpone them would cost more in the long run. Other services are im- portant because they help to maintain Arlington's image as a desirable resi- dential community. Still others enjoy a clientele who object strongly to the reduction or elimination of that particular service. These and other reasons make the elimination of existing municipal services a difficult task, but not an impossible one. In the coming years increasing consideration should be given to this alternative.

The concept of program budgeting is useful in making the decision to add or delete, to contract or to expand a particular service, since it gives one the exact cost of a particular service and a basis for measuring the effective- ness of that service. For this reason the town has been gradually introducing the concept of the planning program budgeting system (PPBS) into its budgeting process. This system was originally developed within the federal government and has been successfully applied in numerous state and local governments.

Proposals for new municipal services should be given careful considera- tion. In some areas, such as drug education, the need is apparent. In other areas, such as fire prevention and inspection, the additional service can be provided at no additional cost to the taxpayer through better utilization of personnel. Finally, some services may be justified if there is an indication that such service will bring additional revenue to the town and alleviate the burden

on the taxpayer. An example of this type of additional service is the creation of a redevelopment board, which will be discussed further in the section of the report to which we now turn.

2. **To broaden the property tax base**

Table II indicated that eighty (80) percent of the town's revenue was derived from the property tax. This tax then is the primary source of revenue available to the town. It can be expanded by either broadening the base, i.e. increasing the total assessed value, or by increasing the tax rate. In recent years the latter method has been relied upon as expansion in the tax base has slowed considerably. This has placed an increasing tax burden on the local taxpayer. This situation is not unique to Arlington, for in nearly every community in the state the increase in expenditures has outstripped the growth in revenues. Table V and VI illustrate the comparative position of Arlington and other similar communities in the Boston area.

TABLE V

1970 Actual and Full Value Tax Rates*

Rank	Town or City	Actual Tax Rate 1970	Estimated Assessment Ratio (%) 1970	Estimated Full Value Tax Rate 1970
1	Somerville	$169.30	44	$75.30
2	Cambridge	109.40	63	69.20
3	Malden	134.00	49	65.10
4	Brookline	59.00	99	58.30
5	Newton	113.00	51	58.20
6	Medford	145.00	40	57.60
7	Woburn	129.40	43	56.00
8	Lexington	65.00	83	54.20
9	Watertown	143.00	38	53.70
10	Winchester	52.00	95	49.50
11	Arlington	48.20	98	47.40
12	Melrose	149.20	31	46.30
13	Bedford	84.00	50	46.20
14	Waltham	110.70	40	44.40
15	Burlington	44.00	98	43.10
16	Concord	39.20	100	39.20
17	Wellesley	45.00	86	38.60
18	Belmont	37.00	99	36.80

Table V gives a breakdown of the estimated full value 1970 tax rate which shows Arlington in good position relative to the other communities.

TABLE VI

Per Capita Full Value Assessments, 1969*

Rank	Town or City	Full Value Assessment	Population	Per Capita Full Value Assessment
1	Concord	$157,744,399	14,516	$10,868
2	Wellesley	260,963,040	26,297	9,923
3	Burlington	182,028,650	19,473	9,347
4	Brookline	499,722,386	53,608	9,321
5	Winchester	187,567,500	21,634	8,670
6	Belmont	249,120,500	28,794	8,651
7	Bedford	89,731,779	10,787	8,318
8	Newton	666,842,647	88,514	7,533
9	Lexington	233,847,897	31,388	7,450
10	Waltham	380,829,880	57,134	6,665
11	Arlington	344,032,460	52,482	6,555
12	Melrose	190,071,250	32,105	5,920
13	Watertown	233,271,000	40,115	5,815
14	Woburn	195,393,134	35,149	5,558
15	Cambridge	496,286,031	92,677	5,355
16	Medford	301,974,512	60,429	4,997
17	Malden	223,567,000	56,142	3,982
18	Somerville	303,158,222	86,332	3,511

*Massachusetts Taxpayers Foundation, Inc., 1970 Tax Rates Actual and Full Value; November, 1970

Table VI gives the per capita full value assessments for the same communities. This table is a measure of the strength of the local tax base. Arlington, because it is primarily a residential community with little commercial or industrial property to strengthen its tax base, does not have a strong position. One should note that, with one exception, all of the communities with a lower tax rate than Arlington have a higher per capita full value assessment; i.e., a stronger tax base.

From the above it is evident that as the property tax continues as the principal source of local revenue and as long as municipal expenditures continue their rapid growth, the only way to keep the tax rate down is to expand the property tax base. To do this the town manager will be asking the 1971 town meeting to approve the creation of a local redevelopment board. This board will be charged with responsibility for attracting new revenue producing development to Arlington. This responsibility includes economic and traffic analyses, site selection and acquisition, financing, and negotiations with prospective developers, among other tasks. This board as proposed would report directly to the town manager, selectmen, and town meeting, and all of its actions would be approved by the town meeting.

The establishment of a redevelopment board in Arlington is long overdue. Its acceptance is critical if the town is serious in its desire to keep the tax rate down. It is perhaps the most effective step available to the town in dealing with this problem, since inflation and the tax structure are beyond the control of local government.

3. **To change the tax structure**

Hardly anyone would deny that the tax structure in Massachusetts puts an unfair burden on the property taxpayer. Real property is no longer a measure of wealth, and municipal services are no longer services to property. Yet in Arlington eighty (80) percent of municipal expenditures are financed out of the property tax.

The solution to this problem, however, is not in local hands. Rather it rests with elected representatives at the state and national levels. The Massachusetts Master Tax Commission has issued an interim report and will soon issue its final report on the Massachusetts tax structure. The town's representatives to the General Court should be urged to give this matter their utmost attention and to make a careful determination of its merits and faults. At the national level the Massachusetts congressional delegation has been urged by Arlington officials to give support to the concept of revenue sharing.

4. **To develop new sources of revenue**

In addition to expanding the property tax base and changing the tax structure, the town must also give consideration to a variety of methods which would expand its revenues.

First among these methods would be the application for state and federal program aid. A wide variety of state and federal funds are available for programs in specified areas. Arlington has received state aid for education, youth counseling, veterans' assistance, drug treatment, and housing. Federal aid has been primarily in the area of education. The town will be applying for additional state and federal funding in numerous areas once the new departments have been more firmly established.

A second method would be to increase charges for municipal services. Some progress has already been made in this area with the revision of permit and license inspection fees and with the revision of parking fine schedules. The additional revenue has not been great since these sources of revenue were not

large to begin with, but the approach is significant. It may be that in future years the town will have to seriously consider charging for some municipal services on the basis of cost. Such services as adult education, recreation, library service, and waste disposal might be paid for by user charges in much the same way that the town now charges for water and for street and sidewalk betterments.

Other developments

Aside from the financial problems which confronted Arlington during the course of 1970, several other developments should be noted. In the public works department new garbage and solid waste disposal contracts were negotiated. If additional negotiations in 1971 for a long-term solid waste disposal contract are successful, then this along with the new refuse transfer station will provide a temporary solution to the town's waste disposal problem. The public works equipment replacement program continued during 1970, and several projects were undertaken to improve the physical appearance of the town yard on Grove Street.

An agreement was reached in collective bargaining with town employees during 1970. Employees were granted a seven (7) percent general wage increase, and funds were appropriated for an improved health insurance program.

Summary

This report has been a brief overview of the problems confronting the town during 1970 and the programs undertaken by departments under the jurisdiction of the town manager. Considerable progress was made during 1970 in consolidating and streamlining the administrative structure of town government and in introducing new management techniques into the operation of town departments.

The financial picture which emerges is not encouraging, but with public awareness of the problem and intelligent discussion of the issues at all levels of government, the opportunity for substantial reform of local government and local tax structures may be near at hand. With substantial revenue sharing from the state and federal governments, meaningful home rule from the state government, continual reorganization of our town government, and community development and redevelopment at the local level, Arlington can survive the financial crisis which it currently faces.

Report of the Town Clerk's Department

To the Citizens of Arlington:

The following annual report of the Town Clerk for the year ending December 31, 1970, is herewith submitted, in accordance with Section 3 of Article 3 of the Town's By-Laws.

The total amount collected by the department during the year and deposited with the Town Treasurer was $20,699.01, an increase of $473.15 over the previous year. Included in the total amount was $6,225.85 for conservation licenses and $5,605.00 for dog licenses.

The breakdown of fees collected is as follows:

Marriage Intentions	$ 1,477.22
Filing Fees (Financing Statements, etc.)	3,095.94
Miscellaneous Certificates	3,369.80
Pole Location Orders	260.95
Miscellaneous Licenses	128.00
Renewals of Gasoline Permits	23.00
Miscellaneous Books	499.25
Duplicate Dog Tags	14.00
Dog Licenses	5,605.00
Conservation Licenses	6,225.85
TOTAL	$20,699.01

DOG LICENSES

1,219 Males (1 free)	@ $2.00	$ 2,436.00
257 Females	@ 5.00	1,285.00
931 Spayed Females	@ 2.00	1,862.00
8 Transfers	@ .25	2.00
2 Kennel	@ 10.00	20.00
2,417 Licenses Issued		$ 5,605.00
Paid to County Treasurer, Licenses		$ 5,001.00
Paid to Town Treasurer, Fees		$ 604.00

CONSERVATION LICENSES

602 Resident Citizen Fishing	@ $ 5.25	$ 3,160.50
200 Resident Citizen Hunting	@ $ 5.25	1,050.00
150 Resident Citizen Sporting	@ $ 8.25	1,237.50
93 Resident Citizen Minor Fishing	@ $ 3.25	302.25
78 Resident Citizen Female Fishing	@ $ 4.25	331.50
1 Resident Citizen Trapping	@ $ 8.75	8.75
3 Special Non-Resident Fishing	@ $ 5.25	15.75

ATTACHMENT "B"

Chap. 738. AN ACT PROVIDING FOR A REDEVELOPMENT BOARD AND ABOLISHING THE PLANNING BOARD AND BOARD OF PUBLIC WELFARE IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 503 of the acts of 1952 is hereby amended by striking out section 17 and inserting in place thereof the following section: —

Section 17. Appointment of Redevelopment Board. — The redevelopment board shall consist of five members, four to be appointed by the town manager, subject to the approval of the board of selectmen, and one to be appointed by the department of community affairs, hereinafter in this section referred to as the department. One of said persons shall be appointed to serve for an initial term of one year, two of said persons shall be appointed to serve for an initial term of two years and one of said persons shall be appointed to serve for an initial term of three years. The member appointed by the department shall serve for an initial term of three years. Thereafter, as the term of a member expires, his successor shall be appointed in the same manner and by the same body for a term of three years from such expiration. The members shall serve until their respective successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the redevelopment board, the vacancy shall be filled forthwith in the same manner and by the same body for the unexpired term. The town manager may make or receive written charges against, and may accept the written resignation of, any member appointed by the town manager or a former town manager or may, after hearing and with the approval of the board of selectmen, remove any such member because of inefficiency, neglect of duty or misconduct in office. Such member shall be given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against him and written notice of the date and place of the hearing to be held thereon, and at the hearing he shall be given the opportunity to be represented by counsel and to be heard in his defense. The town manager may make and receive written charges against the member of the redevelopment board appointed by the department and refer the same to the department which will proceed in the same manner as the town manager and the board of selectmen. Pending final action upon such charges, the officer or officers having the power to remove such member may temporarily suspend him, provided they shall immediately reinstate him in office if they find such charges have not been substantiated, and may appoint a person to perform the duties of such suspended member until he is reinstated or removed and his successor is qualified. In case of any such removal, the removing authority shall forthwith deliver to the clerk of the town attested copies of such charges and of its findings thereon and the clerk shall cause the same to be filed with the department and the state secretary. Membership shall be restricted to residents of the town and a member who ceases to be a resident of the town shall be deemed to have resigned effective upon the date of his change of residence.

Members of the board shall be sworn to the faithful performance of their duties by the town clerk or a justice of the peace. The board shall organize for the proper conduct of its duties, shall elect from among its members a chairman and a vice-chairman, shall appoint such other

officers and agents as it deems necessary, shall determine their respective duties and may delegate to one or more of its members, officers or agents such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. The director of planning and community development, hereinafter called the director, shall be ex officio the secretary of the board. The director shall be appointed by the town manager to serve at his pleasure; neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to the director.

The town, acting by and through the redevelopment board, shall, except as herein specifically provided otherwise, be and have all the powers of an operating agency subject to the limitations provided in sections forty-five to fifty-nine, inclusive, of chapter one hundred and twenty-one B of the General Laws, and have such further powers and be subject to such further limitations as would from time to time be applicable to a redevelopment authority if such an authority had been organized in the town; provided, however, that notwithstanding sections eleven, forty-seven and forty-eight of said chapter one hundred and twenty-one B, no urban renewal project or rehabilitation project shall be undertaken by the redevelopment board, nor shall any property be acquired for any such project by eminent domain or otherwise, until the plan for such project has been approved by an annual or special town meeting; and provided further, that the redevelopment board shall not borrow or agree to borrow money without the approval of an annual or special town meeting. Without limiting the generality of the foregoing, the town, with the approval of an annual or special town meeting, may raise and appropriate, or may borrow, or may agree to raise and appropriate or to borrow, or may do or agree to do other things, with or without consideration, in aid of any project or activity planned or undertaken by the redevelopment board to the same extent and subject to the same limitations as if the board were a redevelopment authority. Nothing herein shall, however, alter or limit the powers and rights of the town or any other operating agency therein with respect to the powers and limitations in sections twenty-five to forty-four, inclusive, of said chapter one hundred and twenty-one B.

SECTION 2. Upon the effective date of this act the terms of office of the members of the planning board of the town shall be terminated. The redevelopment board shall have all the powers and perform all the duties heretofore conferred or imposed on the town planning board by statute or by-law or otherwise and shall further have the powers and perform the duties from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the commonwealth established under the provisions of section seventy of chapter forty-one. All property in the care and custody of the planning board and all appropriations of the town for the use of the planning board shall be transferred to the care and custody of and vested in the redevelopment board; and for all purposes, including without limitation those of chapters forty-one and one hundred and twenty-one B of the General Laws, the redevelopment board shall be deemed to be a continuation of the existing planning board of the town.

SECTION 3. Said chapter five hundred and three is hereby further amended by striking out section eighteen.

SECTION 4. This act shall take effect upon passage.

Approved September 9, 1971.

Chapter 731.

S 1825

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy- three

RECEIVED
SEP 11 10 28 AM '73
TOWN CLERK'S OFFICE
ARLINGTON, MASS.

AN ACT PROVIDING ADDITIONAL POWERS AND DUTIES FOR THE REDEVELOPMENT BOARD IN THE TOWN OF ARLINGTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 738 of the acts of 1971 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. The redevelopment board shall have all the powers and perform all the duties presently or from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the commonwealth established under the provisions of section eighty-one A of chapter forty-one of the General Laws and the town of Arlington shall be deemed to have a planning board established under said section eighty-one A and shall be empowered to take such actions and shall have such powers and perform such duties as if it had established a planning board under said section eighty-one A, except that the redevelopment board shall not have any of the powers or perform any of the duties of, or in conflict with the powers or duties of, a board of survey all of which powers and duties shall continue to be exercised and performed by the board of selectmen constituted as a board of survey unless and until such town by vote of a town meeting shall vote to terminate the existence of the board of survey or to accept the provisions of the subdivision control law contained in sections eighty-one K to eighty-one GG, inclusive, of said chapter forty-one and any amendments thereof or additions thereto, and the subdivision control law shall not be or be deemed to be in effect in such town unless and until such town by vote of a town meeting shall vote to accept the provisions thereof.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, August 15, 1973.

Passed to be enacted, Daniel M. Bartley, Speaker.

S 1825A

In Senate, August 15, 1973.

Passed to be enacted, Russell B. Pingree President.

September 4, 1973.

Approved,

at 3 o'clock and 40 minutes, P. M.

Francis Sargent
Governor.

ATTACHMENT "C"



(d) All permitted signs may be illuminated by white or blue non-flashing lights.

Section 15-3.5. Site-Plan Approval

No new buildings shall be constructed nor shall any existing building be altered, enlarged or reconstructed until an application for site plan review has been filed with the Zoning Board of Appeals and with the office of the Town Clerk. The application shall include the material listed in Section 9(c) together with sufficient written material to support an affimative finding by the Zoning Board of Appeals for the following conditions:

1. The proposed use is necessary to meet the medical needs of the community.

2. The site of the structure or use is in an appropriate location.

3. The use when developed will not adversely affect the neighborhood and the abutting zoning districts.

4. That ingress and egress for traffic flow is designed properly so that there will be no serious hazard to vehicles or pedestrians.

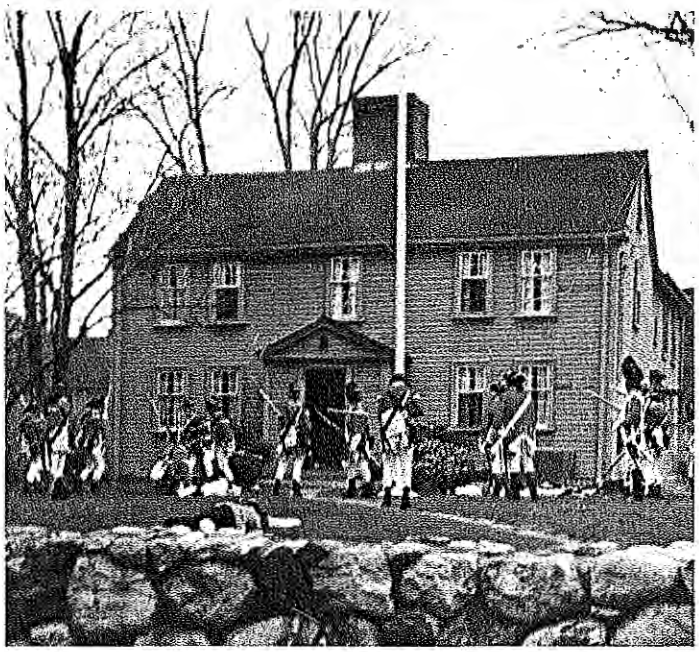
5. That appropriate and adequate parking facilities are provided for each use and structure in the district.

At the time of filing an application with the Zoning Board of Appeals, the applicant shall also file duplicate copies of all materials, maps, and data with the Arlington Redevelopment Board and the Department of Planning and Community Development. Before granting a special permit for a site plan approval, the Zoning Board of Appeals shall hold a public hearing, notice of which shall be given in accordance with the provisions of 40A and local by-laws. The Zoning Board of Appeals shall make its finding within sixty (60) days from the date of application. If the Zoning Board of Appeals fails to issue its finding within sixty (60) days, the site plan shall be deemed approved and a special permit granted. The Department of Planning and Community Development and the Redevelopment Board shall have an opportunity to prepare written reports with recommendations to be submitted to the Zoning Board of Appeals before or at the public hearing. The failure of either the Redevelopment Board or the Department of Planning and Community Development to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Zoning Board of Appeals. A favorable decision by the Zoning Board of Appeals shall require the affirmative votes of all members.

ATTACHMENT "D"

1975 Annual Report
Town of Arlington, Massachusetts









The Defense of Liberty is Our Ancestral Heritage

BOARD OF SELECTMEN

Since early colonial times the board of selectmen have made an annual report of the activities of the town to its citizens. We recognize our great many responsibilities and duties and we have tried to carry out our obligations for the best interest of the town.

This past year shall be remembered for its challenges, opportunities and problems. Inflation continued to increase costs of materials, services and expenses to operate the town. The town, the commonwealth and the nation experienced one of the most severe recessions in several decades.

Unemployment across the state reached the 14% mark. Approximately 10% of Arlington residents were unemployed. This rate of unemployment was reflected in the increase in applications from residents and others who wished to be considered for employment by the town. We were able to provide employment to some individuals through the Comprehensive Employment Training Act known as CETA which is a locally administered federally funded program. Approximately 77 individuals were placed in jobs over the course of the year, while another several hundred were provided counseling and assistance in finding employment outside the town.

It is interesting to read about the economy one hundred years ago from the annual report of 1875, "and looking back over the past twelve months, a period in which every branch of industry has suffered from general depression, our factories discharging their help, and reducing the payroll of the fortunate few who remained to the lowest living point, laborers constantly besieging us for work, in numbers far beyond the practical requirements of the town".

At the town election held in March, Robert B. Walsh was reelected to a three year term, and Ann Mahon Powers was elected to a three year term filling the position previously held by Harry P. McCabe, who did not seek reelection. Shortly after the election Margaret H. Spengler was elected chairman of the board, the first woman to hold this position in the town. George K. Rugg was elected vice-chairman.

SPECIAL REVENUE SHARING

One of the highlights of the year was receipt of a letter from the President of the United States congratulating the town on being one of the first communities in the country to apply for and receive approval on their special revenue sharing application. This award is the result of considerable action by the town manager and the board of selectmen to make towns with populations of 50,000 eligible for special block grant funds. These efforts included testimony by the town manager before a Congressional committee urging an amendment to the special revenue sharing legislation of 1974. There were frequent consultations with our Congressional delegation. Arlington became one of a handful of towns in Massachusetts to receive this award of funds directly. The first year's 1975 allotment was $141,000 and as funding is appropriated by Congress, Arlington expects to receive in excess of $2.5 million over a six year period. Although the funds are to be expended under the direction of the selectmen and town manager, the program was developed with the assistance of a citizens advisory committee. The first year plan calls for further human needs study, a home improvement loan assistance program and a land acquisition fund. Town meeting members voted to approve acquisition of land on the Mystic Lakes which is referred to as "the window on the Mystic", also a substantial parcel of land adjacent to the high school. In addition to the funds appropriated by the town, the selectmen and town manager have approved the use of $50,000 of special revenue sharing funds towards the acquisitions.



L. to R: George K. Rugg, Ann Mahon Powers, Margaret H. Spengler, Chairwoman, Arthur D. Saul, and Robert B. Walsh

RAPID TRANSIT

As a result of the energy crisis, officials at the federal and state levels are placing a greater priority on the use of public transportation. In 1975 the extension of rapid transit from Harvard Square to the northwest corridor, under consideration for 30 years, now is achieving more serious recognition at the state level. Plans advanced to a

point that state transportation officials requested that we establish station task force advisory committees for Arlington center and Arlington heights. Citizen representatives were also appointed to the Cambridge Alewife task force station study committee.

Working with Alan McClennen, director of the town's planning and community development department, the board of selectmen redrafted a town policy on the Red Line transit line into Arlington. The statement indicates that the town will accept the Red Line if it is built underground in a cut and cover formation. It is the position of the board that the Red Line must ultimately extend to Route 128. Rapid transit is viewed as a necessary catalyst for economic development in the business districts of the town.

The efforts of the redevelopment board and planning department resulted in the new town zoning bylaw adoption by the town meeting in October 1975. This new zoning bylaw, one of the most modern zoning bylaws in the state, is the first complete revision since 1924.

It provides the town with ample controls and yet is flexible enough to allow growth and redevelopment that will preserve the character of the town.

One of the major issues of the year was the proposed renovation of Arlington High School. It was the subject of two special town meetings, one in January and one in April. On both occasions the town meeting members voted approval of the $19 million project. The state would have funded 65% of costs. Twice the question was presented to the voters at special referendum elections and was rejected. In December 1975, the New England Association of Schools and Colleges placed Arlington High School on probation. Unless the community takes positive action to correct the facilities problem, the school could face loss of accreditation. The selectmen, town manager, permanent building committee and school committee are concerned at the crisis that results from these actions.

BICENTENNIAL ACTIVITIES

It was a most active year for bicentennial celebrations and activities. The Arlington bicentennial planning committee is to be commended for the excellent programs and events presented for Arlington's celebration. All events were planned to make citizens more aware of the history and heritage of the town. We thank Patricia Fitzmaurice and George "Brud" Faulkner, co-chairpersons of the bicentennial planning committee for their untiring efforts, exceptional interest and leadership in guiding the committee's activities.

The Patriots' Day parade, one of the largest bicentennial parades held in the country attracted an estimated 250,000 viewers. The security requirements necessitated extra assistance from state police, metropolitan police and police from neighboring communities. The town also utilized a



Elaine Kahan

helicopter for increased supervision and public safety control for traffic, both pedestrian and vehicular. The Patriots' Day parade committee and in particular its chairman, Mark Kahan and his wife Elaine, are to be thanked for their efforts in making this project an outstanding success.

There were numerous other bicentennial activities, all of which required great citizen participation. The board of selectmen express their appreciation to those who provided the community with many outstanding bicentennial programs and events.

The board of selectmen initiated three programs to mark the bicentennial years, the refurbishing of the town hall, the honors awards and the ceremonial town meeting. Three citizen committees were appointed to carry out these programs. Funds appropriated by the town meeting and an $8,000 grant awarded by the state bicentennial commission were used by the refurbishing committee to redecorate and do some restoration in the town hall.

The selectmen designed and voted four awards to honor citizens for their contributions to the community. The awards were named to honor former contributing members of this community — the Robbins Award honors the Robbins family, the Dallin Award recalls the civic activities of Vittoria and Cyrus Dallin, the Wilson Award honors Uncle Sam, and the fourth award is the Good Citizenship

Award. The awards committee, a group of five citizens, will consider nominations and make the appropriate awards to their fellow citizens.

To mark the long history of the town meeting in our community, the Selectmen appointed a 15 member committee to prepare a ceremonial town meeting to be held outside during the 1976 year of celebration.

ADMINISTRATION

The good news this year to the property owners and other taxpayers was that there was no tax increase. This was the result of action by the board and efforts of the town manager and department heads in holding the line while striving to increase efficiency of operations.

One of the more serious effects of inflation resulted in the substantial increase in the medical insurance costs for town employees. The bids received indicated that health insurance costs increased approximately 40% over the previous year without adding additional coverage.

We found that we had no choice but to accept the increase in order to protect our employees. As a result, the board established an advisory committee on self-insurance who are looking into the alternative of the town becoming self-insured. Under present law, communities in Massachusetts are not allowed to become self-insured as is the case in the private sector; however we are committed to working to change present legislation.

The matter of vandalism in the community, both in the public and private sector, has caused much concern. After considerable discussion with the town manager, an advisory committee on vandalism was established to survey the scope of the problem. The final report received in December was an excellent document and we commend the individuals who served on the committee for their valuable work. The Board intends to hold a series of meetings with various groups, organizations and officials in 1976 to discuss a total community effort to reduce vandalism.

Last year we reported that we were formalizing various policy and procedures of previous Boards. To date, over 41 items have been documented and approved.

As we began to develop new zoning policies to guide the future growth and development of the town, it became apparent that the attitudes and opinions of the citizens were needed.

Dr. Lawrence Susskind of MIT, department of urban planning, was contacted by the board of selectmen and invited to set up a citizen-based planning process in Arlington. The purpose of this program was to give citizens an opportunity to influence policy and help to set priorities. Dr. Susskind presented the proposal to town meeting members at a meeting of the board of selectmen.

From this meeting evolved the process now known as the Citizens Involvement Committee. During this past year the CIC conducted a town wide survey on six community issues. MIT staff and funding was made available for this study. The selectmen used special revenue sharing funds for the survey on human needs and land use. There is expectation that the CIC will provide substantial input into policies and priority setting. Appreciation must be expressed to the citizens and the staff of MIT for this valuable contribution. Our particular thanks go to Dr. Susskind and William Grannan, chairman of CIC.

We wish to thank the town manager, Donald R. Marquis, for the continued high caliber performance of his professional responsibilities. We express appreciation for his persistent and successful actions in obtaining federal funds for Arlington. We further commend him for the new performance budget procedures and his efforts to increase productivity and efficiency in the delivery of town services.

Alan McClennen, director of the department of planning and community development, met with the board of selectmen on a regular basis this year keeping members informed on redevelopment, zoning, rapid transit and long range planning. We express our appreciation to him and the redevelopment board for their cooperation and we look forward to working together for the new era of renewal of Arlington's business districts.

To Fred Pitcher, our executive secretary, and our office staff, we acknowledge with appreciation the excellence of their work and their cooperation in a year that demanded extraordinary efforts.

Finally to the citizens who volunteered so many of their hours on committees, boards and commissions of the town, a sincere word of appreciation. Your participation is a vital cog in the function of town government. To all town employees, our appreciation must be expressed for keeping the fine quality of government services known to Arlington. Arlington's reputation has been built on your loyal contributions and faithful service.

The American Revolution was one of the most important events to occur in history. As we celebrate our 200th Anniversary the world looks to us as the lead example of democracy. Participation in government in a democracy means an attitude, a moral view and a willingness to assume civic responsibility. Our democratic government depends upon its people and the time they invest to make it work. As a community, let us all celebrate the events of independence through vigorous participation in government.

control; this year we reduced our budget by $300,000 over last year's appropriations. We cannot continue to do this in the future unless we cut services. After including salary and wage increases for all town employees, including school department personnel, the recommended school budget is up by 14.1%, all other town budgets are up by 6.5%, and the budgets under the town manager and board of selectmen are up by 1.8%. In order to hold the tax rate down, all town departments must trim their budgets, and the state must stop passing the cost of state mandated programs down to the local level.

It would appear that the years ahead will not be easy ones. The failure to address our problems, however, may mean fiscal disaster for local government. Let us all work together productively in the years ahead to shape the type of community that benefits and serves all of us.

HISTORY AND ROLE OF THE TOWN MANAGER FORM OF GOVERNMENT

An annual report designed to relate the past with the present and the present with the future could not be complete without some discussion concerning the town manager form of government. Arlington, by special act, adopted the present structure by referendum in 1952. Today, over 51 million other Americans live in communities governed by a manager plan. Since the establishment of the manager plan sixty eight years ago, it has become the most popular form of local government in the United States. Over 55% of the communities with a population of 25,000 or more have adopted the plan. In Arlington, our form of government is bolstered by a representative town meeting, which strengthens democratic principles.

The town manager plan is designed to provide professional knowledge as well as democracy in governmental operations. The manager, a trained public administrator, is appointed by the board of selectmen to serve as administrative head of the community. Broadly speaking, the division of responsibility and authority vested in the selectmen and the manager rests in policy formulation and administration, respectively. Government students are in agreement, however, that no strict line of demarcation can be drawn between policy and administration, that between the two lies a gray area in which the administrator and the legislators must necessarily function. The primary duty of the manager is to keep the selectmen well informed on all town business and to advise and make recommendations concerning all town policies. The selectmen may or may not follow the manager's recommendations; nevertheless, it is their duty to consider these recommendations and to weigh all factors before formulating general policy. In addition, it is one of the primary duties of the selectmen to give general direction and guidance to the manager. The manager has jurisdiction over all departmental activities; he appoints all department heads, and these department heads, in turn, are directly responsible to him. As general overseer of all town employees and operations, the manager is also responsible for planning, organizing, directing, controlling, and coordinating all department activities. In summary then, under the town manager form of government, the board of selectmen is responsible and responsive to the citizens, and the manager is directly responsible to the selectmen for overall administration and coordination of all town activities. Within this conceptual and structural framework lies one of the most important premises of the town manager form of government: the integration of professionalism with democracy.

In concluding this report for 1975, I wish to thank the members of the board of selectmen for their continued assistance and guidance. The programs and projects in our 1976 budget can be realized only through the cooperation and coordinated efforts of many people, specifically, the selectmen, town manager, boards and commissions, citizen advisory groups, town meeting members, department heads, employees, and finally, the citizens. In the past, these people have shown a high degree of interest which we hope will continue in the future.



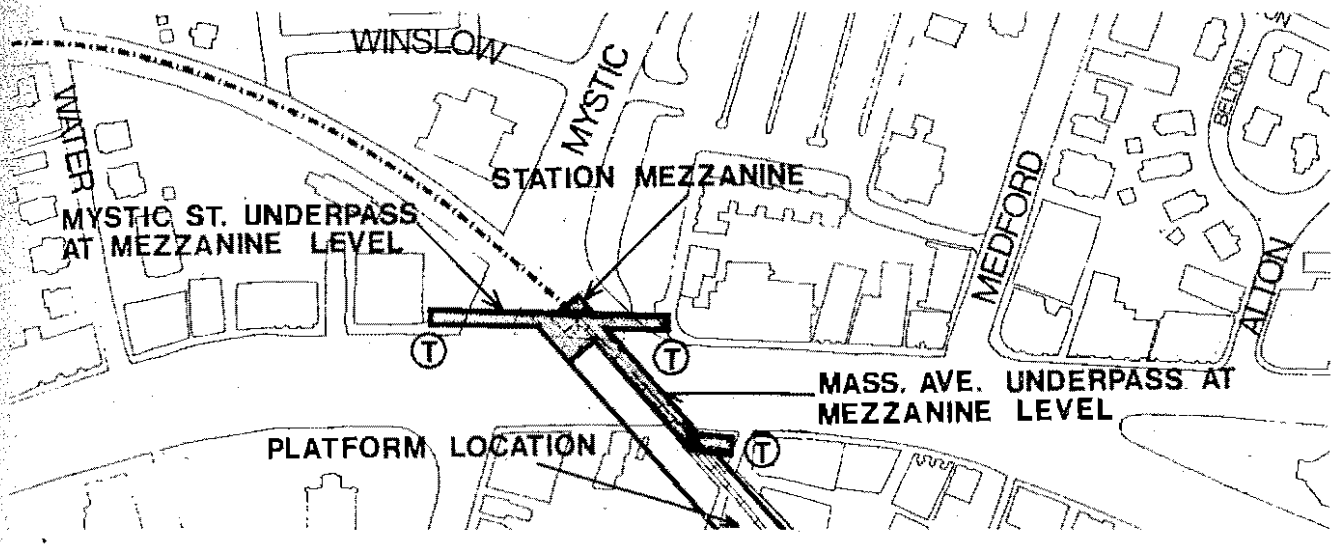


Illustration of Proposed Red Line Station Configuration, Arlington Center

PLANNING AND COMMUNITY DEVELOPMENT AND REDEVELOPMENT BOARD

The Arlington redevelopment board and the department of planning and community development have concluded a milestone year in planning for the future development of the town. The board and department have worked closely as a team on a number of critical issues.

ZONING BYLAW

The first completely new zoning bylaw in 50 years was unanimously passed at the October special town meeting. The new bylaw is the result of three years of intensive analysis of the community including an evaluation of each parcel of land. It has a readable text and a carefully prepared zoning map tailored to the needs of Arlington's citizens according to current land uses. The new bylaw eliminates the inconsistencies, confusion and conflicts of the old bylaw which had been amended numerous times since 1924.

The new zoning bylaw is a modern, land-use management tool designed to encourage efficient and equitable growth patterns in Arlington. Zoning is the most effective way for a community to control its land use and physical environment. Approval of this bylaw places Arlington in prominence as one of the most advanced communities in Massachusetts with its land use control mechanisms. Procedures were established to review future major development proposals and insure that any new projects will be compatible with the long term growth of the town.

The board and department worked closely with the legislature this year to secure a revision of the zoning act finally passed as Chapter 808 late in December. The town's bylaw was carefully drafted to provide for the changes permitted under Chapter 808. These provisions will be formally submitted for adoption at the annual town meeting in 1976. If adopted, these amendments will provide for the permit-granting authority for complex projects to be transferred to the Arlington redevelopment board for the detailed environmental review as required. The redevelopment board has the staff support from the department of planning and community development for research and assistance on these matters. The department will continue to research and make recommendations to the zoning board of appeals on each individual case before that board.

THE RED LINE AND TRAFFIC

A second milestone activity closely related to future growth and development in Arlington is the work being planned on the MBTA Red Line extension out of Harvard Square through Arlington. The Mill Brook Valley/Arlington Center Plan and the zoning bylaw were both developed in close association with the Red Line proposal. A draft policy position on the Red Line was prepared by the board and department and adopted by the selectmen. In addition, we have been in continuous contact with state officials to insure that this important regional facility will provide maximum benefit to the town. The town's two task forces and its representatives to the Alewife Task Force have been meeting at least biweekly for over a year with MBTA representatives and their consultants. These meetings have allowed the town to become familiar with the details and the possible impacts, visual, aural and physical, that such an extension would have. In addition, they have provided a forum for the town to voice its demands on the alignment and configuration of the Red Line through Arlington.

The town's continued support of the Red Line extension between Harvard Square and Route 128 is contingent upon agreement between the town and the MBTA on many issues. The concept of a balanced transportation system to eliminate total dependence on the automobile is the primary goal. Since 1973, the town has supported the Red Line extension from Harvard Square via Porter and Davis Squares, Alewife Brook, through Arlington to Route 128 in Lexington. The extension will be funded 80% by federal funds and 20% by a state transportation bond issue that has already been authorized. The federal funds are monies that were originally set aside for the construction of highways such as the Route 2 extension and the Inner Belt in Cambridge which have now been abandoned. Since these highways would have had an impact on Arlington, the town feels that a portion of the funds should be used to improve the town-wide transportation system.

The town's position has been that the Red Line shall be completely underground along the Boston and Maine Railroad right-of-way with stations at Arlington Center and Arlington Heights. The removal of the surface railroad and the construction of the underground transit line will provide Arlington with an opportunity to develop a linear auto-free park, between 60- and 100-feet wide along the right-of-way from Thorndike Park in East Arlington to Hurd's Field at Arlington Heights. The transit station in Arlington Center will allow the town to develop the Center into a modern commercial area that has long been desired. The details on an Arlington Heights station, including its size and location, must still await the results of another study known as the Lexington Area Transportation Improvements Study.

We feel that the Red Line is the most significant issue presently confronting the town. It provides opportunities as well as liabilities. The position taken by the board and the department has been to demand a facility that maximizes the benefits to the town.

SPECIAL REVENUE SHARING

Arlington was one of the first communities in Massachusetts to apply for and receive approval from the department of housing and urban development on its application for Special Revenue Sharing. This year's entitlement of $141,000 was allocated to a land acquisition program, a study of social services needs, and a home improvement loan program for low- and moderate-income families. Town meeting approved the purchase of two parcels of land with the financial assistance of Special Revenue Sharing. The first is a three-acre parcel, known as the "Window on the Mystic Lake" and located between Mystic Street and the Upper Mystic Lake. The property is the last remaining open piece of land in Arlington adjacent to the lake. It will be used for conservation purposes. The second parcel is a piece of land adjacent to the high school. This land will be used to ultimately improve the land area surrounding the school.



Members of the Arlington Redevelopment Board. Seated L. to R.: Phillip J. McCarthy, Joseph F. Tulimieri, Stephen Pekich, and Edward Tsoi. Standing L. to R.: Alan McClennen, director of planning and community development department and Robert Sheehan.

In accordance with requests from the Citizens' Advisory Committee, the needs for certain social services in the town were analyzed. The first part of that study was completed in December and a booklet, "Arlington Information Directory: A Guide to Available Services, Community Agencies and Organizations", was published. The second part of the study was completed in January 1976 and presents human services needs from the perspective of the agencies in Arlington currently providing these services. These two studies were done by the staff of the department of human resources and were partially funded under Special Revenue Sharing. A third element consisted of the social services survey conducted by the citizens' involvement committee, the results of which were presented at a town-wide meeting in January 1976. The home improvement loan program is expected to begin late in 1976 and will combine the limited funds allocated to it in 1975 with 1976 funding. The program will be aimed at the rehabilitation of private residences owned by low- and moderate-income families which are in violation of the housing code.

DESIGN OR MODEL BLOCK

Following the adoption of the new zoning bylaw, we started regular monthly meetings with members from the Arlington Chamber of Commerce to coordinate efforts to upgrade the physical and visual aspects of Arlington business areas. Several vacancies and impending occupancies led the board to delineate one particular block between Medford and Alton Streets along Broadway as the so-called "Model Block". The firm Vision, Inc., was engaged to develop a design concept for the block including maintenance of the original facades and recommendations regarding color, awning and sign treatment for each store. The resulting work is to be used in clinics with each storeowner. The ultimate goal of this program is to recreate the visual

ATTACHMENT "E"

WARRANT ARTICLE 12 Special Permit Granting Authorities

This article was submitted by the Redevelopment Board. It proposes to formally adopt procedures that have been in effect since 1976. Prior to that time, all special permits were acted upon by the Zoning Board of Appeals. In 1976, the Redevelopment Board was given the responsibility for acting on special permits that were subject to environmental design review. The bylaw does not always make the appropriate reference to the two boards. Article 12 makes all the references consistent.

During the ensuing fourteen years, the Building Inspector and the Redevelopment Board have also agreed that a number of other types of special permits should be acted upon by the Redevelopment Board when it is hearing an environmental design review case. This warrant article proposes to amend the Bylaw to formalize that procedure.

An additional reference was discovered since the printing of the warrant. We recommend that it also be changed. The additional change is in Section 9.06 and the text is shaded in the vote below. A comma has been added to correct the punctuation in the phrase ", or in cases subject to Section 11.06, the ARB."

In accordance with Massachusetts General Laws Chapter 40A and the Arlington Zoning Bylaw, a public hearing on articles which amend the Zoning Bylaw was held by the Arlington Redevelopment Board on March 11, 1991. No comments were received from the public concerning this article.

VOTE ON THE ARTICLE

VOTED: That the Town vote to amend the Zoning Bylaw in the following ways,

in Article 2, Definitions, Section 2.01, insert the following definition immediately following the definition of "Special Permit" and immediately before the definition of "Story",

"Special Permit Granting Authority:
The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 11.06 of the Zoning Bylaw, the Arlington Redevelopment Board.",

and in Article 6, Section 6.03,a in the second sentence by inserting immediately after the words "The ZBA," the words ", or in cases subject to Section 11.06, the ARB,",

and in Article 6, Section 6.05,b by deleting the words "Board of Appeals" and inserting in place thereof the words, "ZBA, or in cases subject to Section 11.06, the ARB",

and in Article 6, Section 6.12,d by inserting immediately after the words "The ZBA" the words ", or in cases subject to Section 11.06, the ARB",

and in Article 6, Section 6.29 in the first sentence by inserting immediately after the words "The ZBA" the words ", or in cases subject to Section 11.06, the ARB",

and in Article 7, Section 7.09 in the first sentence by inserting immediately after the words "The ZBA" the words ", or in cases subject to Section 11.06, the ARB", and in the second sentence by deleting the words "Board of Appeals" and inserting in place thereof the words, "ZBA or ARB as appropriate", and in the second paragraph by adding at the end of the last sentence, before the period, the words, ", and if subject to ARB approval, the ARB shall not act until it receives comment from the Department of Planning and Community Development",

and in Article 8, Section 8.05 by inserting immediately after the words "The ZBA" the words ", or in cases subject to Section 11.06, the ARB",

and in Article 8, Section 8.06 in the first sentence by inserting immediately after the words "The ZBA" the words ", or in cases subject to Section 11.06, the ARB",

and in Article 8, Section 8.11 by inserting immediately after the words "The ZBA" the words ", or in cases subject to Section 11.06, the ARB",

and in Article 8, Section 8.12,n by inserting immediately after the words "The ZBA" the words ", or in cases subject to Section 11.06, the ARB",

and in Article 9, Section 9.06 a. by inserting immediately after the words "The ZBA" the words ", or in cases subject to Section 11.06, the ARB",

and in Article 10, Section 10.11,c in the first sentence by inserting immediately after the words "In order that the ZBA" the words ", or in cases subject to Section 11.06, the ARB", and immediately after the words, "in duplicate to the ZBA" by inserting the words, ", or the ARB as appropriate,",

and in Article 11, Section 11.03 by deleting the words, "Zoning Board of Appeals" and inserting in place thereof the words, "ZBA",

Article 13 **Concerning Bed and Breakfasts**

To see if the Town will vote to amend the Zoning Bylaw in the following ways,

In Article 5, Section 5.04, Table of Use Regulations, by adding the following uses immediately following use 1.10,

"1.11
Conversion of one or two family dwelling to licensed bed and breakfast

R0	R1	R2	R3	R4	R5	R6	R7	B1	B2
SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

B3	B4	B5	H	PUD	I	T
SP	SP	SP				

1.12
Conversion of one or two family dwelling to licensed bed and breakfast home

R0	R1	R2	R3	R4	R5	R6	R7	B1	B2
SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

B3	B4	B5	H	PUD	I	T
SP	SP	SP				

and in Article 2, Definitions, immediately after the definition of Basement,

"Bed and Breakfast:
A dwelling in which lodging units are rented and breakfast is served to the people occupying the lodging units, and which has a resident owner or manager.

Bed and Breakfast Home:
A bed and breakfast occupied and operated by the owner and in which no more than three lodging units are available for rent.",

and in Article 2, Definitions, in the definition of Lodging Unit, in the second sentence, immediately after the words "boarding houses," by adding the words "bed and breakfasts, bed and breakfast homes,",

and in Article 2, Definitions, in the definition of Dwelling, in the second sentence, immediately after the words "lodging house," by adding the words "bed and breakfasts, bed and breakfast homes,",

and in Article 8, Off Street Parking and Loading Regulations, in the Table of Off-Street Parking Regulations, in the third listing under the category, "use", by adding immediately after the words "lodging house," the words, "bed and breakfast, bed and breakfast home,",

and in Article 11, Section 11.06,b,(d) by adding immediately after the words "Lodging house" the words ", bed and breakfast, bed and breakfast home,",

and in Article 7, by adding immediately before Section 7.06, a section as follows:

"Section 7.05a - Signs for Bed and Breakfasts

A bed and breakfast or a bed and breakfast home in any zoning district may have not more than one permanent, unlighted sign, not to exceed four square feet in area, and if a ground sign, it must be set back not less than half the depth of the front yard.",
or take any other action thereon.
(Inserted at the Request of the Redevelopment Board)

ATTACHMENT "F"

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Page: 1 of 17 03/10/2011 09:32 AM

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ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts
Middlesex, ss

DOCKET NO. **3386**

REQUEST FOR SPECIAL PERMIT
Subject to
ENVIRONMENTAL DESIGN REVIEW

Applicant **WOOD PARTNERS 30-50 MILL STREET**

Date of Hearing 8/23, 9/13, 9/27, 10/4, 10/25, 11/8, 11/22, 12/6/10

Date of Decision Dec. 13, 2010

Date of Filing _____

Members

Approved	Opposed
Chris Loreti	
[signature]	
Andrew Rojas	
Roland Chagnon	
Edward Tsoi	

Corinne M. Lamiville
Town Clerk's Certification

TOWN OF ARLINGTON
MASSACHUSETTS 02476
781 - 316 - 3090

DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

DECISION OF THE BOARD

EDR Docket #3386, 30-50 Mill Street
December 13, 2010

This decision applies to the special permit application by WP East Development Enterprises, LLC, which seeks a special permit subject to Environmental Design Review (EDR) to construct a 116 unit, multi-story, apartment building and a 1 story retail or office building and kiosk at 30-50 Mill Street. The site was the headquarters of Brigham's Ice Cream from 1968 to 2008. The applicant would demolish the existing buildings and construct a podium-style building above at-grade parking, associated utilities, compensatory flood storage mitigation, and drainage improvements.

The application filed petitions for various forms of relief to construct the above-referenced buildings and improvements with the Conservation Commission, the Arlington Redevelopment Board (hereinafter referred to as the "ARB", the "Redevelopment Board" or, simply, the "Board") and the Zoning Board of Appeals in March, 2010. Town staff convened a Development Review Team meeting with the applicant on April 6, 2010. A site visit with the developer and members of the Redevelopment Board and Zoning Board of Appeals was held in May, 2010. The Conservation Commission will issue its order of conditions after the other boards have issued their Decisions, consistent with the Massachusetts Wetlands Protection Act and the wetlands bylaw of the Town of Arlington. The Zoning Board of Appeals granted a variance for frontage and a height variance on July 6, 2010. The Redevelopment Board opened and continued the EDR Special Permit hearing by agreement with the applicant on April 12, 2010, to allow time for the Zoning Board of Appeals to render its decision (which occurred on August 20, 2010), since the effect of that decision would impact the plans subject to Environmental Design Review. The Board then continued the hearing and took testimony on August 23, 2010, September 13, 2010, September 27, 2010, October 4, 2010, October 25, 2010, November 8, 2010, and November 22, 2010.

The 3.87 acre site is bounded by the Minuteman Bikeway to the north, Arlington High School to the west, the Mill Brook and 22 Mill Street Office condominium building to the south, and Shattuck's Hardware and Mill Street to the east. The site is in a depression approximately 22' below the bike path, and much of the site is in the flood plain. For this reason, the main structure would be built on piers above at-grade parking.

Materials considered by the Board in rendering this Decision:
March 5, 2010 Memorandum from the Arlington Bicycle Advisory Committee to the ARB et al
March 15, 2010 Allen & Major Environmental Design Review Special Permit Application
April 2010 MS Transportation Systems/New England Engineering Group Traffic Impact Access Study
May 25, 2010 memorandum from Jeffrey Maxtutis, Transportation Advisory Committee Working Group to Arlington Redevelopment Board
June 16, 2010 Revision 1, Allen & Major Operations & Maintenance Plan

June 16, 2010 Revision 1, Allen & Major Drainage Report
July 15, 2010 Director's Report from Carol Kowalski to the Arlington Redevelopment Board
July 20, 2010 Letter from Ann LeRoyer to Carol Kowalski regarding the Brigham's site development
July 21, 2010 Memorandum from Kurt Kelly, Arlington DPW to Town Engineer Michael Rademacher re. drainage
Allen & Major 30-50 Mill Street 8-17-10
Proposed Color Presentation Plan CPP-1
Proposed Landscape Plan C-6a, Parking Area Landscape Exhibit EXH-1
Open Space-Landscaped Exhibit EXH-2
Memorandum from Cube 3 to Redevelopment Board August 18, 2010 re. Floor Area Ratio Calculations
Open Space-Usable Exhibit EXH-3
Shattuck Ace Hardware Store Parking Exhibit EXH-4
Memorandum from WP East Development Enterprises LLC August 18, 2010
Letter August 18, 2010 from Allen & Major to Rick Dickason re. access drive over the Mill Brook
August 18, 2010 WP East Development Enterprises, Transportation Demand Management Plan
Letter August 23, 2010 from William Scully, P.E., New England Engineering Group to Christopher Loreti
September 3, 2010 memorandum from Joey Glushko to Carol Kowalski re. Useable Open Space
Allen & Major 30-50 Mill Street September 7, 2010:
Proposed Color Presentation Plan CPP-1
Open Space-Landscaped Exhibit 9-8-10
Revised Zoning Takeoffs, EXH-2,
Open Space-Useable Exhibit, 9-8-10
Revised Zoning Takeoffs EXH-3, Cube 3, Retail First Floor Plan A1-101, 9-8-10
Cube 3, Exterior Building Elevations, A1-201, 9-8-10
Cube 3, Exterior Building Elevations, A1-202, 9-8-10
Cube 3 Parking Level Gross Square Footage Diagram, 9-13-10
Cube 3 First Floor Gross Square Footage Diagram, 9-13-10
Cube 3 Typical Floor Gross Square Footage Diagram, 9-13-10
Cube 3 Loft Floor Gross Square Footage Diagram, 9-13-10
September 13, 2010 Memorandum from Kurt Kelley, Arlington DPW to Town Engineer Michael Rademacher re. dewatering and stormwater
September 2010 revised MS Transportation Systems/New England Engineering Group Traffic Impact Access Study
September 12, 2010 email from Patricia Worden to Carol Kowalski
September 20, 2010 letter, exhibits, and photos, Michael Fitzpatrick, DMD, 22 Mill Street
September 23, 2010 Director's Report from Carol Kowalski to the Arlington Redevelopment Board
September 27, 2010 Allen & Major JS-1 Jason Street Mass Ave intersection plan
September 27, 2010 letter from 22 Mill Street Condominium Association to Arlington Redevelopment Board
October 20, 2010 Allen & Major Revision 2, (ABB-1, EX-1, C-1, C-2, C-3. C-4, C-5, C-6A, C-6B, C-7, C-8, D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, A-100, A-101, A-102, A-103, A-104, A-105, A-081)
October 21, 2010 memorandum from Carol Kowalski, Director of Planning to Joseph Curro, Chairman, School Committee,

October 22, 2010 memorandum from Arlington Transportation Advisory Committee Working Group to Arlington Redevelopment Board
October 25, 2010 Design and LEED update slide presentation
October 25, 2010 Parking and Unit Mix table, Laura Wiener
October 27, 2010 Allen & Major Revision 3 (ABB-1, EX-1, C-1, C-2, C-3. C-4, C-5, C-6A, C-6B, C-7, C-8, D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, A-081, A-100, A-101, A-102, A-103, A-104, A-105, A-201, A-202, A-301, A-302)
October 28, 2010 revisions to Allen & Major CPP-1, EXH-1, EXH-2, EXH-3, EX-5
October 28, 2010 letter from Joseph Curro, Chairman, Arlington School Committee to Carol Kowalski
November 3, 2010 memorandum from WP East Development Enterprises LLC to Arlington Redevelopment Board re. updated plans reflecting changes requested by the Board
November 8, 2010 Memorandum from Cube 3 Studio to Arlington Redevelopment Board re. revised Floor Area Ratios with revised Gross Square Footage Diagrams and Elevations
November 8, 2010 Cube 3 Studio Proposed Materials sheet
November 11, 2010 Allen & Major EXH-6, sample paving types sheet
Architectural Area Lighting cut sheet stamped received November 17, 2010
November 17, 2010 Allen & Major Revision 4 (ABB-1, EX-1, C-1, C-2, C-3. C-4, C-5, C-6A, C-6B, C-7, C-8, D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, A-081, A-100, A-101, A-102, A-103, A-104, A-105, A-201, A-202, A-210, A-301, A-302, A1-101, A1-201)
November 21, 2010 Memorandum from Arlington Transportation Advisory Committee to Arlington Redevelopment Board
November 22, 2010 Memorandum from Chief Robert Jefferson
2004 lease between Brigham's and 22 Mill Street for parking on the Brigham's premises

FINDINGS OF THE BOARD

Section 10.11a-1 The uses requested are listed in the Table of Use Regulations as a Special Permit use in the district for which application is made or is so designated elsewhere in this Bylaw.

The applicant originally proposed an apartment building and a retail use. The apartment use, which is Use 1.05 in Section 5.04 Table of Use Regulations, requires a special permit, as does the retail building of 3,500 square feet, Use 6.16 in Section 5.04 Table of Use Regulations. The applicant subsequently requested permission for professional/medical offices at the site as well as limited parking on the site by employees of the 22 Mill Street office condominium. The proposed professional/medical office use is listed in the table of Use Regulations as Use 6.20 in Section 5.04. The proposed parking by the 22 Mill Street office condominium, which is Use 5.06 in Section 5.04 Table of Use Regulations, also requires a special permit.

The applicant has designed the development to acknowledge and incorporate the bikepath and bikepath users. To this end, the developer and the Board agree that both the kiosk and the retail building will reflect this intentional association with the bikepath to distinguish this development as a unique place. The developer and Board agree, as set out in Special Condition 10 hereinbelow, that certain uses shall be allowed without reopening the special permit and certain uses shall not be allowed absent reopening the special permit and the approval of the Board.

The Board finds that Standard 10.11a-1 of the bylaw has been met.

Section 10.11a-2 The requested use is essential or desirable to the public convenience or welfare.

A range of uses are allowed at this site under the Arlington Zoning Bylaw. The Koff Associates' Development Sites Assessment undertaken for the Town in 2009, as part of the Commercial Development study, contemplated the former Brigham's site and concluded that residential development was the most likely potential use for the site. Lack of highway and subway access make it undesirable for office use or big box retail. Furthermore, the lack of tourist demand, universities, or large employers nearby limits the demand for hotel use, according to the Koff Study. The ABC Study by City Design Collaborative in 1995 recommended a rezoning from Industrial to Business 5 in order to expand the Arlington Center commercial district to include the Brigham's Site. The site was subsequently re-zoned to B2A, which allows for residential development.

The 2004 Housing Strategy Plan recommended that under-utilized sites be inventoried to identify opportunities to expand affordable housing. As detailed in Special Condition 9, the proposed residential use will produce 17 affordable rental apartments under Arlington's inclusionary zoning bylaw at Section 11.08, which is desirable.

The proposed retail or office use on the site is important in reinforcing the retail presence of Shattuck's Hardware Store on Mill Street. The retail use also encourages a mixed-use (residential mixed with retail) approach that many in the Arlington community see as favorable. The possible medical office use would complement the successful medical office use at 22 Mill Street.

Affordable housing, and siting housing near the bikepath to reduce vehicle trips are both desirable. The Board finds this standard is met.

Section 10.11a-3 The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The applicant submitted a traffic impact and access study prepared by MS Transportation Systems/New England Engineering Group. As provided in Special Condition 3, it is proposed that vehicles will enter and exit the site from Mill Brook Drive, via an easement across the culvert owned by the 22 Mill Street office condominium, and the driveway connecting the site to Mill Street is proposed to be one-way, egress-only to Mill Street.

The Arlington Transportation Advisory Committee (TAC) reviewed the study and prepared a memorandum to the Board dated May 25, 2010. TAC met with Bill Scully, P.E. from New England Engineering Group on September 7, 2010. TAC requested an updated traffic impact study addressing issues that TAC had identified, and requesting that the developer propose offsite mitigation. As set out in Special Condition 4, the proposed mitigation includes a flashing warning beacon at the intersection of the bikepath and Mill Street activated by sensing the presence of pedestrians or bicycles on the bikeway. Additional mitigation proposed includes two signs instructing drivers not to block the intersections of Mill Brook Drive and the access drive with Mill Street, as set out in Special Condition 3.

The former use of the site as offices, a manufacturing plant and restaurant, which were open from early morning until late evening, caused continuous short traffic trips to and from the site throughout the day. The number of trips generated by a residential use of the site versus its former use will decrease. The traffic impact report and the traffic simulation prepared by New England

Engineering Group found that future operating conditions of the study area intersections would not change significantly.

The Board finds based upon the evidence presented that the proposed development will not create undue traffic congestion or unduly impair pedestrian safety. The Board finds that this standard has been met.

Section 10.11a-4 The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
The Town Engineer has reviewed the drainage plans for the proposed development. The Town Engineer also asked the developer to undertake water flow tests and pressure tests and to do flow calculations. Together, the Town Engineer's memoranda of July 21, 2010, and September 13, 2010, and the applicant's drainage study establish that there is sufficient capacity in the Town's water and sewer system, and that stormwater management plans are acceptable.

Further, the information provided by the applicant's engineers indicates that the impact of the proposed project on the public water and sewer system will actually be less than the prior uses at the site.

The Board finds this standard has been met.

Section 10.11a-5 Any special regulations for the use, set forth in Article 11 are fulfilled.
The special regulations in Article 11 applicable to the development are 11.05, Inland Wetland District, 11.06, Environmental Design Review, and 11.08, Affordable Housing Requirements.

The Zoning Board of Appeals heard testimony on the application for a special permit under 11.05, Inland Wetland District and granted the permit based upon the plans presented at the time. The Zoning Board of Appeals will be asked by the developer to revise its decision, taking into consideration the change to the building footprint that was made by the developer during Environmental Design Review.
The developer has agreed to comply with Section 11.08, Affordable Housing Requirements, as set out in Special Condition 8.
The Board finds that this standard is met with respect to Sections 11.05 and 11.08 of the Bylaw.
The Environmental Design Review standards of Section 11.06 are evaluated below.

EDR-1 Preservation of Landscape: The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
The current site is covered almost entirely by building or paving. Paving is proposed to be reduced by approximately.75 acre. The proposed development will retain the existing trees between the lot and the bike path on the north side, eight existing trees will be maintained along the west/southwest edge of the lot, and two existing trees in the southeast corner will be retained. The grade changes steeply behind Shattuck's hardware store, and will be re-graded. Re-grading in the southwest corner will create a storm water control area to the north and introduce significantly more landscaping, as well as some landscaped areas within the parking lot.

As set out in Special Conditions 13 and 14, the developer proposes to remove asphalt paving that extends from the former Brigham's parking lot into the Town-owned pocket park near the Mill Brook, and to replace light fixture heads and benches at the Town-owned park near the Mill Brook. The Town will have responsibility for the maintenance of the pocket park upon completion of the park improvements by the applicant.

Parking landscaping meets 8.12b(5) of the bylaw by extending landscaped area into the parking area.

The Board finds this standard has been met.

EDR-2 Relation of the Building to the Environment: **Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R-1 or R-2 district or on public open space.** The applicant proposes a single multi-story building (original plan called for four stories above a parking story) and a single story retail/office building. The slope of the property and siting of the proposed footprint on the plans give the effect of the building receding from view into the site, except for the upper stories and the roof. From Mill Street, the parking level will not be visible due to a 13' grade drop. Four levels above one parking podium were mitigated by a flat roof and step-downs to three stories above the parking in some areas. The building will appear to rise only 46' 7" as viewed from Mill Street, and at a distance of 120' from the Mill Street sidewalk. The revised, final plans reduce the visual impact of the building mass from the High School, Mill Street, the Minuteman Bikeway, and Mill Brook Drive. The proposed building is set back a minimum of 42" from the bikepath, whereas the existing structure actually encroaches into the right-of-way for the bikepath.

The multi-story apartment building will be of distinctly different architecture than the adjacent brick former mill buildings, and would be clad in lap siding and fiber cement panel as well as a stucco finish in some areas at the parking level. This differs from the brick finish material of most of the prominent buildings on both sides of Mill Street to the east, 22 Mill Street bounding the south, and Arlington High School at a distance to the west. This difference in proposed finish materials is appropriate, and will distinguish the project's construction from the historic brick former mill structures and the high school. The flat and varied rooflines and cornices break up the mass of the building. Deep relief and heavy profile in architectural detail also help to relieve the effect of the massing. Further, the proposed project will generally cast less shadow on the abutting properties and on the Minuteman Bikeway than the existing building. The applicant produced a shadow study depicting the shading effect on the Bikeway at 9:00 am, 12:00 pm and 3:00 pm in July and January. Because the buildings proposed are substantially set back from the Bikeway, the net shadowing effect on the Bikeway is reduced.

The proposed retail/office building is an acceptable use near the bikepath and Shattuck's hardware store.

The Board finds this standard has been met.

EDR-3 Open Space: **All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site**

or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.
Currently there is no existing usable open space on the site, as none was required for the former uses. As set out in Special Condition 11, the proposal creates a publically-accessible landscaped open space of roughly 700 square feet near the bike path and retail store, linked by a publically accessible walking path through the site to the Town-owned pocket park adjacent to the Mill Brook. The applicant proposes to improve the Town-owned park, for which the School Committee has granted permission. Publicly-accessible open space is not required, but is certainly desirable in this location near the Mill Brook, the High School, and adjacent to the bikepath.

An amount equivalent to 10% of the Gross Floor Area is required for landscaped usable open space. An area equivalent to 61% of the GFA is proposed. As such, the open space provided exceeds the requirement. The Board finds this standard met.

<u>EDR-4 Circulation:</u> **With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.**
The Arlington Transportation Advisory Committee acted, at the Board's request, as a peer-reviewer of the developer's Traffic Impact and Access Study.

The applicant proposes one-way use for the drive-way off Mill Street. This drive will be "egress-only" as set out in Special Condition 3. An agreement between the developer and the 22 Mill Street owners on the future repair and maintenance of the culvert bridge as set out in Special Condition 22 will address future aesthetic and structural concerns. As set out in Special Conditions 2, 3, 4, 5, 6 and 23, the applicant proposes to mitigate traffic impacts as follows: (1) signage at the intersection of Massachusetts Avenue, Mill Street and Jason Street; (2) signage at the intersection of Mill Brook Drive and the access drive with Mill Street; (3) a flashing beacon at the intersection of Mill Street and the bikepath; (4) pedestrian warning mitigation at the sidewalk intersecting the site drive exit; and (5) provision of an "opticom" at the traffic signal of Mill Street and Summer Street for control by emergency vehicles. The Board finds this standard has been met.

<u>EDR-5 Surface Water Drainage:</u> **Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catchbasins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.**

In accordance with Section 10.11,b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs. The Town Engineer reports that he accepts the developer's information provided showing that there is sufficient capacity in the Town's water and sewer system. The Town Engineer's memoranda accept both stormwater management plans, and finds that the plans provide for sufficient water and sewer capacity. The Board agrees to require financial security as described in Special Condition 25.

The Board finds this standard has been met.

<u>EDR-6 Utilities Service:</u> **Electric, telephone, cable, TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.**
Gas and water lines are indicated on the plan. Electricity, telephone and data transmission lines are proposed to be overhead through the driveway from Mill Street, and then underground from the existing service terminus. The placement of utilities is subject to the final approval of the utility providers. Any deviation from the approved plans shall be submitted to the Board. A trash compacter serving the residential building is proposed under the building within the podium parking area.

The Board finds this standard has been met.

<u>EDR-7 Advertising Features:</u> **The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.**
The developer did not apply for sign approval with this application. Sign details are subject to a Board review and approval of location, number, size, placement and lighting of future proposed signage, approval of which shall be considered by the Board as a future amendment to this permit at a duly advertised and noticed public hearing, as set out in Special Conditions 18 and 19. Subject to such future application and Board approval, the Board finds this standard has been met.

<u>EDR-8 Special Features:</u> **Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**
The plans submitted include the location of trash disposal, truck loading area and rooftop HVAC units and provide for appropriate screening. Final approval of these features to demonstrate consistency with the plans reviewed and approved during the hearings shall be made by the Board upon review of the detail drawings at 100% of design, including details of screening of special features and landscaping details. The Board finds this standard is met.

EDR-9 Safety: **With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.**
The proponent has reported that the Fire Chief is now satisfied with the plans, and will provide a letter to the Board.

Snow that can be accommodated on site shall be placed in the areas designated by the Conservation Commission. Snow that cannot be accommodated in these areas on site shall be removed off site. Hydrants are shown on the plan and were located in consultation with the Fire Chief.
The publically accessible path from the bikeway to the site will be illuminated at night for safety. The Board finds this standard has been met.

EDR-10 Heritage: **With respect to Arlington's heritage, removal or disruption of historic, traditional, or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.**
The Brigham's manufacturing buildings are not on the Town's inventory of historically significant buildings; they are not subject to the demolition delay bylaw. The building's close proximity to the railroad was intentional for ease of loading freight and delivery of goods to and from the site. As this functional relationship between the building and the railroad has long been abandoned, it is appropriate to provide separation and greater distance between the new use as residential apartments and the contemporary use of the rail-bed as a bikepath.

There are no architecturally significant features of the existing buildings that are necessary or desirable to preserve or reflect in the architecture of the new building.

The properties at 6 Mill Street and 29 Mill Street are listed in the inventory of historic properties. The proposed development will not be visible to the public from 6 Mill Street. The apartment building at 17 Mill Street was constructed in 1982. The altered ca. 1880 Victorian at 29 Mill Street is noted in the Arlington Historical Commission 1976 publication, "Mill Brook Valley: A Historical and Architectural Survey". The proposed development will not disrupt or affect the remaining historic features evident in the 29 Mill Street structure.

The Board finds this standard is met.

EDR-11 Microclimate: **With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.**
The proposed development will reduce the amount of impermeable surface on the site, thereby reducing the heat-island effect. The HVAC equipment is to be located on the roof of the residential building and is expected to emit about 76 decibels. Mounted at the roof height of approximately 60 feet, this decibel level will be further reduced. The site is relatively large and the equipment will be roof-mounted so heat, vapor, or fumes will not be detectable. As set out in Special Condition 15, no equipment mounted on the roof of any building on the site is proposed

to extend beyond the eaves or be visible from the public view. The developer will include details of screening of rooftop equipment at the Board's 50% review.

The Board finds this standard is met.

EDR-12 Sustainable Building and Site Design: Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.
The applicant submitted a LEED for Homes Checklist.

Sustainable sites.
The subject property is an excellent site for redevelopment. The existing site is already fully developed, and its redevelopment will include removing paved surface and replacing some of it with pervious, landscaped areas. The existing site has sewer and utility service already available.

The existing site is well located, near basic services, including the Town Hall, Library, Senior Center, public schools, and restaurants and shops, including a food market, hardware store, pharmacy, and medical offices. It has excellent access to public transportation, with bus access to the MBTA Red Line at Alewife and Harvard Stations. It abuts the Minuteman Bikeway, which also provides access to the Red Line at Alewife Station, as well as other locations in Arlington and Lexington, for pedestrians and bike riders.

Because of its excellent access to pedestrian, bicycle and public transit facilities, this is a good location for Transportation Demand Management practices, and the applicant has submitted a Transportation Demand Management Plan that satisfies the Transportation Advisory Committee, as set out in Special Condition 7. The proposed shared parking arrangement with 22 Mill Street condominiums and the proposed bicycle amenities for tenants and the public also satisfy this standard.

Water efficiency.
Drainage and flood storage will be improved over the existing conditions on the site. The developer has proposed water efficiency strategies including water saving devices within the units, and native plant species for landscaping to reduce need for irrigation.

Energy and Atmosphere.
The applicant has stated that it will build into the development measures that will use less energy for heating and cooling, such as insulation and high efficiency HVAC systems, and energy star rated appliances. Applicant will meet the Town's new Building Stretch Code.
Materials and Resources.
The applicant will make efforts to use materials efficiently and reduce construction waste diverted to landfills.

Indoor Environmental Quality.
The applicant has taken some measures to ensure environmental quality, such as providing fans for fresh air and isolation of the garage from interior spaces.

The developer agrees to employ full cut-off, fully shielded exterior site and building lighting to prevent light pollution, off-site light trespass and glare, as set out in Special Condition 16.

The Board finds this is standard met.

Section 10.11a-6 The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.
The requested uses, multi-family residential and retail or professional offices, exist in the district and will not alter the integrity or character of the district. Activity from the neighboring Arlington High School campus and Minuteman Bikeway will exert a pronounced public-oriented influence on the experience of living in this residence. This is reflected by the proposed allowance for public access across the site from the pavilion park in the northeast corner of the site, adjacent to the bikeway at the proposed kiosk, to the pocket park, as set out in Special Condition 11, and in the design of the parking to include bicycle parking. The Board finds this standard has been met.

Section 10.11a-7 The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.
The proposed residential and retail/office uses will not create an excess of either to the detriment of the neighborhood. The new residents and employees will support area retail on Mill Street, Summer Street and Massachusetts Avenue. The Board finds this standard is met.

DECISION

The Board finds that the proposal is an appropriate re-use of the property, and grants the following special permits, subject to the following general and special conditions:
Special permit for Use 1.05 Apartment House from the Table of Use Regulations (section 5.04 of the Zoning Bylaw);
Special permit for Use 5.06 Commercial off-street parking, Table of Use Regulations;
Special permit for retail Use 6.16 Retail, Table of Use Regulations;
Special Permit for Use 6.20 Office, Table of Use Regulations.

General Conditions

1. The final plans and specifications for the site, including all buildings, signs, exterior lighting, and landscaping shall be subject to the approval of the Arlington Redevelopment Board for consistency with the plans reviewed and approved during the hearings. The Board shall maintain its jurisdiction over plans and specifications by approving them at 100% of completion. At the time of submission of the 50% drawings, the Applicant shall submit for approval:
 a. Samples of exterior materials proposed for the building, including colors, and other features that comprise the details of the final design
 b. Exterior Lighting Plan
 c. Landscaping Plan, including details on size and species of plantings
 d. Details of screening of rooftop equipment
 e. Wayfinding and other signage for the residential, office and retail uses.

2. The final plans and specifications approved by the Board for this permit shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection

with this application for building permits. There shall be no substantial or material deviation during construction from the approved plans and specifications without the express written approval of the Arlington Redevelopment Board.

3. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner or occupant and shall be accomplished in accordance with the Town bylaws.

4. All exterior trash and storage areas on the property shall be properly and continuously screened and maintained in accordance with the Bylaws of the Town of Arlington.

5. Trash shall be picked up only on weekdays and only between the hours of 7:00 am and 6:00 pm, Monday through Friday.

6. No final or permanent Certificate of Occupancy shall issue on this project until the project is completed in its final form and approved by the Redevelopment Board as being in compliance with the final plans and specifications, including the landscape plan, except as provided in special condition 22. If the improvements referenced in Special Conditions 3, 4, 5 and 6 remain incomplete as provided in special condition 22 below, a temporary certificate of occupancy shall be issued for this project.

7. The Building Inspector is hereby notified that he is to monitor the site and should proceed with appropriate enforcement procedures at any time he determines that violations are present. The Inspector of Buildings shall proceed under Section 10.09 of the Zoning Bylaw, pursuant to the provisions of Massachusetts General Laws, Chapter 40A Section 21D, and institute non-criminal complaints. If necessary, the Inspector of Buildings may institute appropriate criminal action also in accordance with Section 10.09.

8. Subsequent to the end of all applicable appeal periods and prior to the issuance of a Building Permit, the Applicant shall record this Decision in the Middlesex County South District Registry of Deeds and shall provide the Board, and the Building Inspector with a copy of this Decision endorsed with the applicable recording information.

9. The Board maintains continuing jurisdiction over this permit, and may, after a duly advertised public hearing, attach other conditions, including but not limited to, reasonably restricting the retail opening hours, or it may modify these conditions as it deems reasonably appropriate to protect the public interest and welfare.

Special Conditions

1. The required number of parking spaces is 142. The total number of spaces is limited to 173, and 12 spaces shall be dedicated to the retail/office building. This Decision grants approval for up to 23 spaces to be leased to the owners of 22 Mill Street for their exclusive use by employees, provided that the owners of 22 Mill Street agree to (1) remove the two paved-over spaces at the northwest corner of the 22 Mill Street parking deck and install or restore the landscaping shown on the approved final plan for the 22 Mill Street Special Permit, (2) restore its on-site loading space and (3) shield or move its dumpsters. The spaces are to be marked or assigned for use only by employees of 22 Mill Street.

2. Not more than one parking space shall be included with the rent for any single unit.

3. The access driveway on Mill Street shall be one-way egress only, with Do Not Enter and One-Way signs, with additional visual and audible warnings for pedestrians that are in compliance with the Americans with Disabilities Act. Not more than two signs shall be erected instructing motorists not to block the intersections of Mill Street and the driveway, and Mill Street and Mill Brook Drive. Wording and location of all signage and devices shall be subject to approval by the Redevelopment Board, Transportation Advisory Committee and the Board of Selectmen.

4. Subject to approval by the Board of Selectmen, and any other agency with jurisdiction over the bikeway, flashing beacons shall be installed at both Bikeway approaches (flashing red) and Mill Street approaches (flashing yellow) mounted on poles, one for each direction. The flashing beacons shall be activated by detection equipment only when a Bikeway user (pedestrian or cyclist) approaches Mill Street. The detection equipment shall be provided on both Bikeway approaches, subject to a design that is approved in sequence by the TAC, DPW, the Redevelopment Board, and Board of Selectmen, and shall minimize false detection calls. The system shall be installed and shown to operate satisfactorily for a minimum of one calendar year with an escrow fund of $10,000 established by the Developer for any necessary operational improvements to the beacon warning system.

5. The TAC and DPW shall design, subject to approval by the Board of Selectmen, one dedicated left turn lane and one shared through-right turn lane on the southbound Mill Street approach to the Massachusetts Avenue intersection. Developer shall provide not more than two signs indicating the lane restrictions in support of this.

6. Subject to the approval of the Board of Selectmen, the developer shall provide an "Opticom" emergency vehicle detection system at the traffic signal at Summer and Mill Streets, for installation by the Town, to allow emergency vehicles to control the signal, to be maintained by the Town.

7. Developer shall implement Transportation Demand Management practices in accordance August 2010 Transportation Demand Management plan filed with the approved plan.

8. The proponent shall provide the Town with analysis results (hard copy and electronic) and computer simulated models known as "Synchro" files, showing the improved signal timing and phasing at Massachusetts Avenue/Mill Street/Jason Street/Summer Street. Further, the proponent will detail the recommended signal timing and phasing improvements at Massachusetts Avenue/Mill Street/Jason Street signal and the Mill Street/Summer Street signal for the Town to implement.

9. The Project shall comply with the requirements of Section 11.08 – Affordable Housing Requirements of the Zoning Bylaw dated April, 2010, the requirements of the Local Initiative Program, as set forth at 310 CMR 45.00 and the conditions set forth below. In the event of a conflict between the requirements of the conditions set forth below and the Local Initiative Program (LIP) regulations, the LIP regulations shall govern.

The Affordable Units in this Project shall include a minimum of three (3) studio units, five (5) one-bedroom units and nine (9) two-bedroom units.

At least sixty (60) days prior to the issuance of a building permit, the Applicant shall provide an Affordable Housing Plan locating the affordable units that, at a minimum, demonstrates compliance with the Arlington Zoning Bylaw Subsection 11.08(d)(4)(c). The plan is subject to review and approval by the Arlington Director of Housing.

At least sixty (60) days prior to issuance of a Certificate of Occupancy, the Applicant shall submit a marketing plan, as required by Subsection 11.08(f)(4), and a resident selection plan for review and approval by the Director of Housing.

To the extent allowed by law, preference for up to seventy percent (70%) of the Affordable Units shall be given to local residents for as long as the units exist.

At least sixty (60) days prior to issuance of a building permit the Applicant shall submit a draft affordable housing restriction and any additional documents required by the Local Initiative Program for review and approval by the Director of Housing.

The Affordable Units shall be affordable in perpetuity or the maximum time allowed by law but no less than ninety-nine (99) years.

In the event all or part of the Project is converted to a condominium form of ownership, conditions numbered 1-7 continue to apply and the items listed below shall be required:

At least sixty (60) days prior to conversion, submission of the condominium documents and the documents required by the LIP Program for review and approval by the Director of Housing.

a. The condominium documents shall provide for one vote per unit unless otherwise required by M.G.L. c. 183A.

b. The condominium documents shall provide that each unit owner's beneficial interest in the condominium shall be based on the owner's percentage beneficial ownership interest as provided by M.G.L. c. 183A.

10. The developer designed the project to acknowledge, complement and incorporate the bikepath and bikepath users in the development. To this end, the developer and the Board agree that both the kiosk and the retail/office building will reflect this intentional association with the bikepath to distinguish it from other places. Personal consumer uses permitted under paragraphs 6.08, 6.16, 6.17 and 6.20 of Article 5, Section 5.04 of the Bylaw, which are not specifically excluded hereinbelow, shall be permitted, including without limitation, retail store, coffee/ice cream shop, medical or professional office, sandwich shop, home or garden goods, bicycle service and ATM, provided that the ATM is an accessory use by a commercial/retail tenant for convenience of its customers and not a separate stand-alone use.. Uses that shall not be permitted at the site shall include: convenience store, fast-food, pizza shop, bank, ATM, fast-food style national chain store, laundromat and/or nail salon. If the applicant seeks to incorporate a use specifically excluded herein, it shall submit a request to reopen the special permit.

11. Unless and until this decision is amended by the Board, public access shall be allowed in perpetuity from the pavilion park across the site to the Town-owned pocket park by the applicant and its successors in interest. The publically-accessible path from the pavilion park to the site shall be illuminated at night for safety.

12. Upon installation of landscaping materials and other site improvements on the premises, the developer shall remain responsible for such materials and improvements, and shall replace and repair such as necessary, to remain in compliance with the approved site plan.

13. The developer shall replace two benches and up to a maximum of six light heads in the Town-owned pocket park along the Mill Brook adjacent to the 30-50 Mill Street property on the southwestern edge of the development at developer's expense. The Town will be responsible for maintenance of these improvements after installation.

14. The developer, provided the Town assents, shall remove asphalt pavement in the Town-owned pocket park along the Mill Brook at developer's expense and restore with native soil and plant material. The Town thereafter shall maintain the pocket park.

15. No pipes or other equipment shall protrude above the roof of the retail building except for ordinary ventilation pipes.

16. All exterior site and building lighting shall employ full cut-off, fully shielded fixtures to prevent light spillover, glare and sky glow.

17. The developer shall return to the Board for review at the 50% design stage for the design of the kiosk.

18. No vending machines, product advertisement, or off-site advertising are allowed at the pavilion park or associated with the exterior of the retail/office building or kiosk.

19. Signage other than traffic mitigation shall be presented for approval by the Board by amending the Special Permit following a duly advertised and noticed public hearing.

20. At the time of demolition, all existing Brigham's and other defunct signs and supporting structures, excluding the retaining wall, shall be removed.

21. The developer shall make cosmetic improvements to the culvert bridge, including lighting, paving, railings and signage, as proposed in the plans.

22. The developer shall enter into an agreement with the unit owners association of 22 Mill Street Condominium for the long-term maintenance and repair of the culvert bridge providing access to the site.

23. The applicant shall provide the requisite information to the Board, Transportation Advisory Committee and Board of Selectmen for the signage, warning devices and opticom system referenced in Special Conditions 3, 4, 5, and 6. Installation of the signage and warning devices and delivery of the opticom system may be delayed due to the approval process. The certificate of occupancy for the project shall not be withheld due to the delay in installation resulting from obtaining the requisite approvals or any delay in delivery of the systems for installation. Accordingly, a temporary certificate of occupancy may be issued by the building inspector in the event special conditions 3, 4, 5 and 6 are not completed at the time the residential and commercial buildings are ready for occupancy.

24. In the discretion of the building inspector, a temporary certificate of occupancy may be issued in general accordance with the phasing plan on file with the Board to accommodate the fit-out of the interior of the building. All residential construction shall be completed within 150 days of the issuance of the temporary certificate of occupancy. The building inspector may also issue a temporary certificate of occupancy for the retail plaza space.

25. In accordance with Standard EDR-5, the applicant is required to post a bond in the amount of $1,500 as security that the storm drain system will be maintained in good working order. The Board may use the funds to conduct cleaning and maintenance of the system if the applicant fails to do so. Town personnel, or the Town's agents, may enter upon the property to perform such cleaning and maintenance.

ATTACHMENT "G"

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ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts
Middlesex, ss

DOCKET NO. 2911

REQUEST TO RE-OPEN SPECIAL PERMIT
Subject to
ENVIRONMENTAL DESIGN REVIEW

Applicant

Date of Hearing July 29, 2013, August 19, 2013

Date of Decision August 20, 2013

Date of Filing August 29, 2013

Members

Approved	Opposed

Town Clerk's Certification

Leone & Leone
Attorneys At Law
637 Massachusetts Avenue
Arlington, MA 02476

ARLINGTON REDEVELOPMENT BOARD
TOWN HALL ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

DECISION OF THE BOARD

EDR Docket #, 319 Broadway
August 20, 2013

This decision applies to the application to re-open a Special Permit filed by Attorney John Leone for Bob O'Guin, proprietor of the Common Ground restaurant, 87 Harvard Avenue, Allston, MA 02134, for the restaurant space at 319 Broadway owned by Triton Realty Trust, Boston, MA for a full-service, 106-seat restaurant and 90-seat function room with seasonal outdoor seating in Broadway Plaza. The EDR Special Permit was originally issued to Au Bon Pain in 1994. Subsequently, Krazy Karry's restaurant operated in the space, and most recently, the Gemma restaurant operated at this address. The request to re-open the Special Permit is necessitated by the applicant's request to increase the number of required parking spaces that the original Special Permit allows to be met in Town parking lots under Section 8.11 of the Arlington Zoning Bylaw. This increase is triggered by the additional seating proposed beyond the original 80 seats inside and 20 seats outside granted by the Special Permit to Au Bon Pain. * deed: 20673-426

The zoning bylaw requires one parking space per four seats; outdoor seasonal seating is not subject to parking requirements. The proposed interior seating in the two combiued spaces is 196 seats, yielding a requirement for 49 parking spaces, of which 20 are already allowed by the original Special Permit to be met on Town parking lots. The request is to allow the required 29 additional parking spaces to be met using Town lots.

The hearing opened on July 29, 2013 and was continued to August 19, 2013. The Board took public comments at the July 29, 2013 meeting and closed public comment on that date, while continuing to consider written comments through August 19.

Materials considered by the Board in rendering this Decision:
July 12, 2013 Plan Sheet A200, Connor Architecture
July 12, 2013 Plan Sheet A300, wall specifications, Connor Architecture
July 23, 2013 letter to the Board from abutters A. Michael Ruderman and Susan C. Ruderman
July 25, 2013 letter to Board Chair Michael J. Cayer from abutter Kathleen Morris
July 26, 2013 Page 2 of corrected letter, Attorney Robert Annese
July 26, 2013 Memorandum to the Redevelopment Board, Attorney Robert Annese for Bob Mirak
July 26, 2013, email to the Board from abutter Kenneth Putney
July 29, 2013 letter to the Board from Arlington resident Jay Anderson
July 29, 2013 letter to the Board from Alana Olsen, Executive Director, Allston Village

August 1, 2013 letter to the Board, Attorney Robert Annese
August 19, 2013 undated email to the Board, Michael Ginns
August 14, 2013, email message to the Director of Planning & Community Development for the Board, Julie and Bob Kalustian
August 15, 2013, email message to the Director of Planning & Community Development for the Board, Corrinne Vercillo, Roger Hickey
August 19, 2013 Plan Sheet A700, Connor Architecture
August 19, 2013, Parking Mitigation Plan, Bob D. O'Guin, Jr. / Common Ground Arlington
May 20, 2013 Memorandum to the Board of Selectmen, Arlington Transportation Advisory Committee
August 15, 2013 Parking Assessment, Howard Stein Hudson

FINDINGS OF THE BOARD

Section 6.08 The alteration or addition is in harmony with other structures and uses in the vicinity. In making its determination, the Special Permit Granting Authority shall assess, among other relevant facts, the dimensions and setbacks of the proposed alteration or addition in relation to abutting structures and uses and determine its conformity to the purposes set forth in Article 1, Section 1.03, of the Zoning Bylaw.
The Board finds the proposal is in harmony with other structures and uses in the vicinity.

Section 10.11a-1 The uses requested are listed in the Table of Use Regulations as a Special Permit use in the district for which application is made or is so designated elsewhere in this Bylaw.
The use, restaurant over 2,000 square feet is allowed by Special Permit . The Board finds that Standard 10.11a-1 of the bylaw has been met.

Section 10.11a-2 The requested use is essential or desirable to the public convenience or welfare.
The use as a restaurant/pub and the addition of a special event function room in Arlington Center are desirable to reoccupy the vacant business space, and to serve a menu not otherwise offered. The business will be open from 11:00am to 12:00 midnight, which hours may help to serve theatre patrons and keep their business in Arlington. The Board finds this standard is met.

Section 10.11a-3 The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
The prior restaurants at this location, Gemma and Krazy Kanry's, appear to have operated restaurants with 80 interior seats and seasonal outdoor seating without causing undue traffic congestion. The applicant presented a plan to mitigate automobile transportation by employees and parking demand of both customers and employees. The Board's approval was granted contingent on that Mitigation Plan being implemented, and it is incorporated into this Decision.

Broadway Plaza is designed for pedestrian use and currently supports two restaurants and a café, with many additional restaurants operating in the vicinity in Arlington Center. The prior restaurant had a permit for outdoor seating for 5 tables, which did not affect pedestrian safety.

The Board finds this standard has been met.

Section 10.11a-4 The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
There is capacity in the existing water and sewer system to meet the demands of the restaurant. The Board finds this standard has been met.

Section 10.11a-5 Any special regulations for the use, set forth in Article 11 are fulfilled.
The Environmental Design Review standards of Section 11.06 are evaluated below.

EDR-1 Preservation of Landscape: The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
The site is fully developed. No landscaping exists on the site. This standard is not applicable.
The Board finds this standard is met.

EDR-2 Relation of the Building to the Environment: Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R-1 or R-2 district or on public open space.

The applicant proposes that the façade will be completely rebuilt, with operable windows to create a café atmosphere on the plaza during warm weather. The applicant intends to pursue a permit for outdoor seating, as well. These are consistent with the design of the plaza for pedestrian use. The Board finds this standard has been met.

EDR-3 Open Space: All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

The property was constructed in the 1920s, prior to the adoption of zoning. No open space exists on site. The Board finds this standard is met.

EDR-4 Circulation: With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The additional seating proposed creates a demand for additional parking which cannot be provided on-site. The use of parking at Town-owned parking lots is allowed by Special Permit to meet the parking requirement under section 8.11 of the zoning bylaw. It is not known how many existing Arlington Center businesses have been allowed to meet their parking requirements at Town owned lots by Special Permit, nor how other Broadway Plaza and Arlington Center businesses not subject to a Special Permit, account for how they meet parking demand.

The applicant provided information on existing parking supply and utilization within 1000 feet of 319 Broadway Plaza through a May, 2013 memorandum by the Arlington Transportation Advisory Committee, and an August 2013 report on parking use and capacity prepared by Howard Stein Hudson. The Board considered parking capacity in Town owned-lots within 1,000 feet of 319 Broadway, including Broadway Plaza, Russell Common lot and all of the Railroad lot, considering part of the Railroad lot was within the radius considered. With this information, and with the applicant's commitment and Board requirements in the Special Conditions below, to manage and restrict parking demand by employees and patrons, the Board finds this standard has been met.

EDR-5 surface water drainage and EDR-6 utility service
No exterior construction is proposed, and no change is proposed to existing approved stormwater conditions. The Board finds this standard has been met.

EDR-6 Utilities Service: **Electric, telephone, cable, TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal aud solid waste disposal from all buildings shall be indicated.**
The proposed facility will require electrical service. A dumpster will be located at the rear of the building. The Board finds this standard has been met.

EDR-7 Advertising Features: **The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.**
The sign plan provided appears to meet the sign bylaw. The sign lighting will be down-lit from above the sign. The Board finds this standard has been met.

EDR-8 Special Features: **Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**
Specifications for the kitchen ventilation system are provided. Loading will be off-street, not on the residential streets. The Board finds this standard is met.

EDR-9 Safety: **With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.**

The restaurant must meet all relevant health and safety, fire, and building codes, and this Special Permit is granted contingent on compliance with all codes. The Board finds this standard has been met.

EDR-10 Heritage: **With respect to Arlington's heritage, removal or disruption of historic, traditional, or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.**

The building is in a National Register Historic District, however little or no evidence remains of any original architectural detail. The Board finds this standard is met.

EDR-11 Microclimate: **With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.**

No new structures, new hard surface, ground coverage or new machinery emitting heat, vapor, sound or light that could affect the microclimate is proposed. The applicant proposes that clients of the private function room may employ audio equipment of their own temporary procurement, but no public address system, amplification, or audio system is proposed to be installed in the business. Acoustic performers may be featured by the applicant in the dining room. The Board finds this standard is met.

EDR-12 Sustainable Building and Site Design: **Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.**

Section 10.11a-6 **The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.**
The restaurant will seek a liquor license from the Board of Selectmen. The prior restaurant had operated with a liquor license. Common Ground will seek an entertainment license from the Board of Selectmen. The public has expressed, through the current master planning process, an interest in increasing night-life in Arlington. At the same time, residential property owners directly behind and across Massachusetts Avenue from the location are entitled to quiet enjoyment of their homes. For this reason, the applicant proposed specifications for sound-proofing the function room to mitigate potential sound impacts associated with musical entertainment on residential abutters. The Board finds this standard has been met.

Section 10.11a-7 **The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.**
Cafés and restaurants have operated at this address since 1994. The Board finds this standard is met.

DECISION

The Board finds that the proposal is an appropriate re-use of the property, and grants the special permits subject to the following general and special conditions:

General Conditions

1. The final plans and specifications approved by the Board for this permit shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with this application for building permits. There shall be no substantial or material deviation during construction from the approved plans and specifications without the express written approval of the Arlington Redevelopment Board. Approved final design and record plans must also be submitted to Inspectional Services and to the Engineering Division.

2. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner or occupant and shall be accomplished in accordance with the Town bylaws.

3. The Building Inspector is hereby notified that he is to monitor the site and should proceed with appropriate enforcement procedures at any time he determines that violations are present. The Inspector of Buildings shall proceed under Section 10.09 of the Zoning Bylaw, pursuant to the provisions of Chapter 40A Section 21D, and institute non-criminal complaints. If necessary, the Inspector of Buildings may institute appropriate criminal action also in accordance with Section 10.09.

4. Subsequent to the end of all applicable appeal periods and prior to the issuance of a Building Permit, the Applicant shall record this Decision in the Middlesex County South District Registry of Deeds and shall provide the Board, and the Building Inspector with a copy of this Decision endorsed with the applicable recording information.

5. The Board maintains continuing jurisdiction over this permit, and may, after a duly advertised public hearing, attach other conditions, including but not limited to, reasonably restricting the retail opening hours, or it may modify these conditions as it deems reasonably appropriate to protect the public interest and welfare.

Special Conditions

1. The 90 seats in the rear of the space as shown in the final plans shall be used solely for functions and special events and not for day-to-day restaurant seating without the express written approval of the Arlington Redevelopment Board through the reopening of this special permit.

2. Two onsite parking spaces shall be maintained or, to the extent such spaces are not available to the applicant, two private spaces shall be maintained by the applicant in the vicinity for the use of employees or patrons.

3. The applicant shall comply with the following parking mitigation actions:

out, to prevent fire hazards. These filter which are dishwasher-safe, clean easily with soap and water and will be cleaned on a weekly basis.

7. All deliveries to the premises shall be done off-street, and at all times in accordance with the applicable noise and other Bylaws.

8. The applicant shall submit a LEED checklist to the Town's Director of Planning no later than the date of issuance of the Building Permit for the premises.

a. Applicant will feature a "PARKING" drop down tab on its' website directing customers, with a map, to the Russell Common and Railroad parking lots. The directions will be specific and advise customers not to park, or to seek parking, on Compton, Alton or Belton Streets.

b. All emails from applicant will feature a "where to park" legend below the signature line with the same information as and a "link" to the drop down tab on its website directing customers to the Russell Common and Railroad parking lots.

c. All emails from applicant will feature a "where to park" legend below the signature line with the same information as and a "link" to the drop down tab on its website directing customers to the Russell Commons and Railroad parking lots.

d. Applicant's brochures, pamphlets, takeout and website printable menus will feature a "where to park" section, with a map, directing customers to the Russell Common and Railroad parking lots and advise customers not to park, or to seek parking, on Compton, Alton or Belton Streets.

e. All function/events room material will also include the "where to park" section and the website address of the "PARKING" drop down tab.

f. The proposed menu board will also have a section upon it directing customers, with a map, to the Russell Common and Railroad parking lots. The directions will be specific and advise customers not to park, or to seek parking, on Compton, Alton or Belton Streets.

4. The applicant shall comply with the following sound mitigation actions:

a. The rear function space shall have all sound proofing shown in the document presented to the Board dated July 12, 2013 *Plan Sheet A300 by Connor Architecture.*

b. No amplified music, with the exception of standard restaurant background music, will be provided in the front/main restaurant room. No karaoke will be conducted in the front/main restaurant room. There will be no outdoor speakers.

c. Non-recyclable refuse from the restaurant will be disposed of in a dumpster, with a plastic cover, in the rear of the building as far from the property line, and close to the neighboring restaurants dumpsters, as possible. If feasible, the same trash pickup company as the neighboring restaurants will be used, and that company will be instructed to keep pickup times in accordance with Arlington noise bylaws, Title V - Article 12: Noise Abatement.

d. The abutting neighbors on Alton and Belton Streets will be provided a letter with contact information for the applicant so that they will be able to directly contact him if they have any concerns regarding sound, odors or delivery issues.

5. All lighting for signage shall be downlighting as shown in the document presented to the Board dated July 12, 2013 *Plan Sheet A200 by Connor Architecture.*

6. Applicant's kitchen exhaust system will utilize welded stainless steel 1½ inch thick hood filters to ensure that solids and grease are trapped and deposited directly onto baffles and drained

18-20 BELKNAP STREET - ARLINGTON, MA

GENERAL NOTES & SPECIFICATIONS

1.0 CONDITIONS OF CONTRACT

1.1 THE GENERAL CONTRACTOR IS RESPONSIBLE FOR PROVIDING SUBCONTRACTORS WITH ALL INFORMATION REGARDS TO FULL SCOPE OF THE PROJECT AND THEIR RESPECTIVE TRADES BIDDING AND CONSTRUCTION.

2.0 GENERAL

2.1 SCOPE OF WORK INCLUDES ALL WORK REQUIRED TO PROVIDE THE OWNERS THE WORK DEFINED IN THE CONSTRUCTION DOCUMENTS AND ALL BASE BUILDING CONSTRUCTION WITHIN THE IDENTIFIED SCOPE IN FULL INTENDED OPERATION.

2.2 GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL INJURY AND DAMAGE OF ANY KIND RESULTING FROM THIS WORK, TO PERSONS OR PROPERTY.

2.3 RENTAL CHARGES, SAFETY, PROTECTION AND MAINTENANCE OF RENTED EQUIPMENT SHALL BE CONTRACTOR'S RESPONSIBILITY.

2.4 PROJECT SHALL NOT BE COMPLETED UNTIL ALL NECESSARY AFFIDAVITS, CERTIFICATION AGENCY APPROVALS AND INSURANCE CONDITIONS OF THIS CONTRACT HAVE BEEN FULFILLED TO THE SATISFACTION OF THE OWNER. APPLICABLE REQUIREMENTS OF THE GENERAL CONDITIONS INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO THE FOLLOWING:
A. FINAL CLEANUP
B. COMPLETION OF ALL PUNCH LIST ITEMS.
C. SUBMISSION OF WAIVERS OF LIEN COVERING THIS CONTRACTOR AND HIS SUBCONTRACTORS AND SUPPLIERS.
D. COMPLETE SET OF TAGS, CHARTS, DIAGRAMS, INSTRUCTION BOOKLETS, ETC. AS REQUIRED FOR MECHANICAL AND ELECTRICAL INSTALLATIONS.
E. SUBMISSION OF ALL BUILDING DEPARTMENT APPROVALS AND CERTIFICATIONS.
F. WARRANTIES IN THE NAME OF THE OWNER, PRODUCT INFORMATION AND COPIES OF SUBMITTALS.

2.5 THIS JOB IS DESIGN/BUILD FOR THE FOLLOWING SYSTEMS: ELECTRICAL, MECHANICAL, PLUMBING, CONTRACTORS ARE REQUIRED TO FINALIZE THE DESIGN OF THEIR RESPECTIVE SYSTEMS FOR FULL AND PROPER OPERATIONS ACCORDING TO THE APPLICABLE LAWS AND SPECIFICATIONS IN THE PROJECT MANUAL, IN ORDER TO SATISFY INTENDED FUNCTION AND DESIGN OF MECHANICAL AND ELECTRICAL DRAWINGS PROVIDED HERE.

2.6 CONTRACTOR TO PROVIDE EMERGENCY ACCESS TO THE BUILDING TWO MEANS OF EGRESS AT ALL TIMES, AREA TO BE CLEARED OF DEBRIS, PARTITIONED OFF AND LIT FOR CONTINUAL ACCESSIBILITY OF TOW EXITS. TWO EXISTS NEED TO BE PROVIDED DURING THE CONSTRUCTION AND DEMOLITION.

2.7 WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. DO NOT SCALE THE DRAWINGS.

3.0 DOCUMENTS

3.1 THESE DOCUMENTS HAVE BEEN COMPILED WITH THE BEST AVAILABLE INFORMATION AND ARE NOT INTENDED TO LIMIT THE SCOPE OF WORK. THE CONTRACTOR MAY ENCOUNTER HIDDEN OR COVERED CONDITIONS, NOT INDICATED IN THE DOCUMENTS, REQUIRING ADDITIONAL WORK FOR THE COMPLETION OF THIS CONTRACT. IT WILL BE ASSUMED THAT THE CONTRACTOR HAS INSPECTED THE SITE PRIOR TO BIDDING AND VERIFIED ALL CONDITIONS, DIMENSIONS, AND OTHER INFORMATION HERE IN SUPPLIED.

3.2 ALL DIMENSIONS AND LAYOUTS SHALL BE FIELD VERIFIED BY THE CONTRACTOR/OWNER TO COORDINATED THE ARCHITECTURAL DRAWINGS WITH APPROVED SITE PLAN. ANY INCONSISTENCIES DISCREPANCIES OR AMBIGUITIES SHALL BE REPORTED TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

3.3 ALL WORKING STANDARDS SHALL REFLECT IRC 2009 & 780 CRM 8TH EDITION AMENDMENTS OF BUILDING CODE FOR ONE/TWO FAMILY DWELLING.

3.4 CONTRACTOR SHALL BE REVIEW AND REPORT ANY INCONSISTENCIES.

3.5 CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, AND SHALL PAY AND OBTAIN BUILDING PERMITS AND ALL NECESSARY APPROVALS. CONTRACTOR SHALL OBTAIN ALL APPROVALS AND PERMITS FOR CONSTRUCTION FROM THE MUNICIPAL AGENCIES HAVING JURISDICTION, PRIOR TO COMMENCEMENT OF WORK, AT HIS OWN EXPENSE.

3.6 CONTRACTOR SHALL GUARANTEE ALL WORK AGAINST DEFECTS FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION.

4.0 TRADES

4.1 THE GENERAL CONTRACTOR SHALL SUBMIT SHOP DRAWINGS, SAMPLES OF ALL FINISH MATERIAL SHALL BE SUBMITTED TO OWNER AND/ OR DESIGNER FOR APPROVAL, INCLUDING PAINT SAMPLE. ANY FINISHES THAT ARE PURCHASED BEFORE APPROVAL AND ARE SUBSEQUENTLY REJECTED ARE THE RESPONSIBILITY OF THE CONTRACTOR, NO SUBSTITUTIONS WILL BE CONSIDERED FOR PRODUCTS OR METHODS THAT CANNOT BE PROVIDED AS A RESULT OF CONTRACTOR'S FAILURE TO ORDER PRODUCTS IN A TIMELY MANNER, PURSUE THE WORK PROMPTLY, OR TO COORDINATE THE VARIOUS ACTIVITIES PROPERLY.

4.2 THE CONTRACTOR SHALL NOT BE RELIEVED OF RESPONSIBILITY FOR DEVIATIONS FROM REQUIREMENTS OF THE CONTRACT DOCUMENTS BY THE OWNER'S AND/OR DESIGNER FOR APPROVAL OF SHOP DRAWINGS, PRODUCT DATA, SAMPLES, OR SIMILAR SUBMITTALS UNLESS THE CONTRACTOR HAS SPECIFICALLY INFORMED THE OWNER AND/OR DESIGNER IN WRITING OF SUCH DEVIATION AT THE TIMES OF SUBMITTAL AND THE ARCHITECT HAS GIVEN WRITTEN APPROVAL TO THE SPECIFIC DEVIATION. THE CONTRACTOR SHALL NOT BE RELIEVED OF RESPONSIBILITY FOR ERRORS OR OMISSIONS IN SHOP DRAWINGS, PRODUCT DATA, SAMPLE, OR SIMILAR SUBMITTALS BY THE OWNER'S AND/OR DESIGNER APPROVAL THEREOF.

4.3 ELECTRICAL CONTRACTOR TO PROVIDE DESIGN & BUILD SERVICES, ALL WORK TO BE IN COMPLIANCE W/527 CMR & NFPA 90 REQUIREMENTS, COORDINATE UTILITY COMPANY REQUIREMENTS WITH ARCHITECT AND SITE CONTRACTOR. COORDINATE ALL TRENCHING WITH GENERAL CONTRACTOR, SERVICE TO BE DESIGNED FOR 200 AMP WITH CIRCUIT BREAKER PANEL BOARD SIZED ADEQUATELY. COORDINATE WITH HVAC FOR CONTRACTOR FOR A/C LOAD. REVIEW LAYOUT IN FIELD WITH ARCHITECT AND GENERAL CONTRACTOR TO VERIFY LOCATIONS OF ALL SWITCHING AND LIGHTING. CONTRACTOR MUST GIVE ALLOWANCES FOR LIGHTING IN CONTRACT; OWNER TO SELECT ALL LIGHTING FIXTURES AND APPLIANCES FOR CONTRACTOR TO INSTALL. PROVIDE PERMIT AND SCHEDULE ALL INSPECTIONS IN A TIMELY FASHION. PROVIDE CARBON MONOXIDE, SMOKE AND HEAT DETECTORS PER CODE REQUIREMENTS.

4.4 IF CONFLICTS OCCUR BETWEEN DWGS AND SPECS OR PRODUCTS, PROCEDURES, ETC. THE MORE STRINGENT DETAIL AND HIGHER QUALITY SHALL BE CONSIDERED THE INTENT OF THE CONTRACT DOCUMENTS. OWNER'S AND/OR DESIGNER'S CONFIRMATION IS REQUIRED.

4.5 THE INTENT OF CONTRACT DOCS & RESPECTIVE DESIGN BUILD DISCIPLINES REPRESENT A COMPLETE INSTALLATION PER INDUSTRY AND TRADE STANDARDS FOR SIMILAR TYPES OF CONSTRUCTION IN GEOGRAPHIC REGION.
ES, OR SIMILAR SUBMITTALS BY THE OWNER'S AND/OR DESIGNER'S APPROVAL THEREOF.



1 FRONT_2
12" = 1'-0"

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: A-01
SCALE: 12" = 1'-0"
DATE: 28/07/2021 17:14:27
DRAWN BY: FLM
AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261
ENGINEERING & DESIGNS

5.0 FOUNDATION NOTES

5.1 FOOTINGS ARE TO BEAR ON UNDISTURBED LEVEL SOIL DEVOID OF ANY ORGANIC MATERIAL AND STEPPED AS REQUIRED TO MAINTAIN THE REQUIRED DEPTH BELOW THE FINAL GRADE.

5.2 SOIL BEARING PRESSURE ASSUMED TO BE 1500 PSF.

5.3 ANY FILL UNDER GRADE SUPPORTED SLABS TO BE A MINIMUM OF 10" GRAVEL BASE COMPACTED TO 95%.

5.4 CONCRETE:
- INTERIOR SLABS ON GRADE: 2.500 PSI.
- FROST WALL / FOUNDATIONS EXPOSED TO THE WEATHER: 3.000 PSI.
- FOOTINGS EXPOSED TO THE WEATHER: 3.500 PSI.

5.5 CONCRETE SLABS TO HAVE CONTROL JOINTS AT 25 FT. (MAXIMUM) INTERVALS EA. WAY.

5.6 ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESSURE TREATED OR PROTECTED WITH 55# ROLL ROOFING.

5.7 ALL HOLD DOWN HARDWARE MUST BE SECURED IN PLACE PRIOR TO FOUNDATION INSPECTION.

6.0 CONSTRUCTION CODES

MASSACHUSETTS 9TH EDITION BASE CODE
2015 IRC - INTERNATIONAL RESIDENTIAL CODE
780 CMR - MA AMENDMENTS TO THE IRC
2015 IEBC - INTERNATIONAL EXISTING BUILDING CODE
2015 IECC - INTERNATIONAL ENERGY CONSERVATION CODE
2015 IMC - INTERNATIONAL MECHANICAL CODE
2015 IFC - INTERNATIONAL FIRE CODE
527 CMR - MA FIRE PREVENTION AND ELECTRICAL REGULATIONS
521 CMR - MA ACCESSIBILITY REGULATIONS
248 CMR - MA PLUMBING REGULATIONS

6.1 ALL WORKING STANDARDS SHALL REFLECT IRC 2015 & 780 CRM 9TH EDITION AMENDMENTS OF BUILDINGS CODE FOR ONE/TWO FAMILY DWELLING.

7.0 LIST OF DRAWINGS:

A-01 - GENERAL NOTES & SPECIFICATIONS
A-02 - SITE
A-03 - BASEMENT & FIRST FLOOR
A-04 - SECOND FLOOR & THIRD FLOOR
A-05 - ELEVATIONS
A-06 - ELEVATIONS
A-07 - DETAILS
A-08 - DETAILS



AREAS		
Name	Level	Area
UNIT 1	BASEMENT	579 ft²
UNIT 1	FIRST FLOOR	618 ft²
UNIT 1	SECOND FLOOR	579 ft²
UNIT 1	THIRD FLOOR	477 ft²
UNIT 1		2253 ft²
UNIT 2	BASEMENT	579 ft²
UNIT 2	FIRST FLOOR	618 ft²
UNIT 2	SECOND FLOOR	579 ft²
UNIT 2	THIRD FLOOR	477 ft²
UNIT 2		2253 ft²
UNIT 3	BASEMENT	593 ft²
UNIT 3	FIRST FLOOR	633 ft²
UNIT 3	SECOND FLOOR	593 ft²
UNIT 3	THIRD FLOOR	501 ft²
UNIT 3		2319 ft²
UNIT 4	BASEMENT	593 ft²
UNIT 4	FIRST FLOOR	633 ft²
UNIT 4	SECOND FLOOR	593 ft²
UNIT 4	THIRD FLOOR	501 ft²
UNIT 4		2319 ft²
Grand total		9143 ft²

ARCHITECTURAL ABREVIATIONS

A

AB	ANCHOR BOLT
ACFL	ACCESS FLOOR
ACOUS	ACOUSTICAL
ACT	ACOUSTICAL CEILING TILE
AD	AREA DRAIN
ADD	ADDENDUM
ADDL	ADDITIONAL
ADJ	ADJUST/ABLE
ADJ	ADJACENT
ADMIN	ADMINISTRATION
AFF	ABOVE FINISH FLOOR
AHU	AIR HANDLING UNIT
ALT	ALTERNATE
ALUM	ALUMINUM
ANUN	ANNUNCIATOR
AP	ACCESS PANEL
APC	ARCHITECTURAL PRECAST CONCRETE
APROX	APPROXIMATE
ARCH	ARCHITECTURAL
AUTO	AUTOMATIC
AWT	ACOUSTICAL WALL TREATMENT

B

BA	BUILDING ACCESSORY
BBD	BULLETIN BOARD
BC	BRICK COURSES
BD	BOARD
BFE	BOTTOM FOOTING ELEVATION
BG	BUMPER GUARD
BIT	BITUMINOUS
BKT	BRACKET
BLDG	BUILDING
BLKG	BLOCKING
BLT	BORROWED LIGHT
BLW	BELOW
BM	BEAM
BO	BY OWNER
BOF	BY OWNER FUTURE
BOT	BOTTOM
BR	BRICK
BRG	BEARING
BRL	BRICK LEDGE
BSMT	BASEMENT
BTWN	BETWEEN
BUR	BUILT-UP ROOFING

C

C	CHANNEL
C DISP	CUB DISPENSER
CAB	CABINET
CG	CORNER GUARD
CH	COAT HOOK
CJT	CONTROL JOINT
CCTV	CLOSED CIRCUIT TELEVISION
CD	COILING DOOR
CG	COILING GRILLE
CL	CENTER LINE
CL	CLASS
CLG	CEILING
CLR	CLEAR
CM	CONSTRUCTION MANAGER
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT
CO	CASED OPENING
COL	COLUMN
COMB	COMBINATION/-ED
CONC	CONCRETE
CONF	CONFERENCE
CONN	CONNECT/-ED,/-ION
CONST	CONSTRUCTION
CONT	CONTINUE/OUS
CONTR	CONTRACT/OR
COORD	COORDINATE
CORR	CORRIDOR
CPT	CARPET
CT	CERAMIC TILE
CTR	CENTER
CTSK	COUNTERSUNK
CUH	CABINET UNIT HEATER
CW	CURTAIN WALL
CW	COLD WATER
CYL	CYLINDER

D

D	DEPHT OR DEEP
DEMO	DEMOLITION
DEPR	DEPRESSION
DEPT	DEPARTMENT
DET	DETAILS
DF	DRINKING FOUNTAIN
DIA	DIAMETER
DIAG	DIAGONAL
DIFF	DIFFUSER
DIM	DIMENSION
DISP	DISPENSER
DIST	DISTRIBUTION
DIV	DIVISION
DJT	DUMMY JOINT
DN	DOWN
DP	DEMOUNTABLE PARTITION
DP	DATA PROCESSING
DR	DOOR
DS	DOWNSPOUT
DW	DUMBWAITER
DWG	DRAWING
DWLS	DOWELS

E

E	EXISTING
EXIST	EXISTING
EC	ELECTRIC CABINET
EF	EXHAUST FAN
EIFS	EXTERIOR INSULATION AND FINISH SYSTEM
EJT	EXPANSION JOINT
EL	ELEVATION
ELEC	ELECTRICAL
ELEV	ELEVATOR
EMERG	EMERGENCY
ENCL	ENCLOSURE
ENTR	ENTRANCE
EO	ELECTRICAL OUTLET
EP	EXPLOSION PROOF
EQ	EQUAL
EQUIP	EQUIPMENT
ES	END SECTION
EWC	ELECTRIC WATER COOLER
EXA	EXHAUST AIR
EXC	EXCAVATE/-ED/-ION
EXH	EXHAUST HOOD
EXIST	EXISTING
EXP	EXPANSION
EXT	EXTERIOR

F

FA	FIRE ALARM
FB	FIRE BLANKET
FD	FLOOR DRAIN
FDN	FOUNDATION
FDV	FIRE DEPARTMENT VALVE
FE	FIRE EXTINGUISHER
FGS	FOAM GASKET SEAL
FH	FIRE HOSE
FHP	FULL HEIGHT PARTITION
FHV	FIRE HOSE VALVE
FIN	FINISH
FIXT	FIXTURE
FL	FLOOR
FL	FLOW LINE
FLASH	FLASHING
FLEX	FLEXIBLE
FLG	FLANGE
FLUOR	FLUORESCENT
FP	FIRE PROOFING
FRMG	FRAMING
FS	FULL SIZE
FS	FLOOR SINK
FSTOP	FIRESTOPPING
FT	FOOT/FEET
FTG	FOOTING
FTR	FIN TUBE RADIATION
FURR	FURRING
FUT	FUTURE

G

GA	GAUGE
GAL	GALLONS
GALV	GALVINIZED
GB	GRAB BAR
GB	GRADE BEAM
GC	GENERAL CONTRACTOR
GEN	GENERATOR
GEN	GENERAL
GL	GLASS
GMU	GLASS MASONRY UNIT
GR	GRADE
GWB	GYPSUM BOARD
GWB/SK	GYPSUM BLUE BOARD W/ PLASTER SKIM COAT
GYP SHGT	GYPSUM SHEATHING

H

H	HIGH
HB	HOSE BIB
HD	HAND DRYER
HDCP	HANDICAP
HDR	HEADER
HDW	HARDWARE
HM	HOLLOW METAL
HORIZ	HORIZONTAL
HPT	HIGHPOINT
HR	HANDRAIL
HT	HEIGHT
HTR	HEATER
HVAC	HEATING, VENTILATING, AIR CONDITIONING
HW	HOT WATER
HWD	HARDWOOD

I

IC	INTERCOM
ID	INSIDE DIAMETER
IN	INCH
INSUL	INSULATION
INT	INTERIOR
ISO	ISOLATION

J

JAN	JANITOR
JB	JUNCTION BOX
JST	JOIST
JT	JOINT

K

KO	KNOCK OUT

L

L	LAVATORY
LAV	LAVATORY
LB	POUND
LCD	LINEAR CEILING DIFFUSER
LF	LINE FIGURED
LIN	LINEAR
LKR	LOCKER
LLH	LONG LEG HORIZONTAL
LLV	LONG LEG VERTICAL
LMC	LINEAR METAL CEILING
LOC	LOCATION OR LOCATE
LPT	LOW POINT
LS	LAWN SPRINKLING
LT	LIGHT
LTG	LIGHTING
LVR	LOUVER
LWC	LINEAR WOOD CEILING

M

M	MIDDLE
MAN	MANUAL
MATL	MATERIAL
MAX	MAXIMUM
MBD	MARKER BOARD
MC	MEDICINE CABINET
MCU	MODULAR COOLING UNIT
MECH	MECHANICAL
MEMB	MEMBRANE
MET	METAL
MEZZ	MEZZANINE
MFR	MANUFACTURER
MH	MANHOLE
MHC	MATERIAL HANDLING CONVEYOR
MIN	MINIMUM
MIR	MIRROR
MISC	MISCELLANEOUS
MO	MASONRY OPENING
MONO	MONOLITHIC
MPC	MEATL PAN CEILING
MPU	MULTI-PURPOSE UNIT
MTD	MOUNTED
MTR	MOTOR
MULL	MULLION

N

NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NO	NUMBER
NOM	NOMINAL
NRC	NOISE REDUCTION COEFFICIENT
NT	NOTE
NTS	NOT TO SCALE

O

OC	ON CENTER
OD	OUTSIDE DIAMETER
OFF	OFFICE
OH	OVERHEAD
OP	OPERABLE PARTITION
OPER	OPERATOR
OPNG	OPENING
OPP	OPPOSITE
ORD	OVERFLOW ROOF DRAIN

P

PART	PARTITION
PB	PUSH BUTTON
PC	PRECAST CONCRETE
PCD	PAPER CUP DISPENSER
PED	PEDESTAL
PL	PLATE
PL	PROPERTY LINE
PLAM	PLASTIC LAMINATE
PLBG	PLUMBING
PLS	PLASTER
PLW	PLYWOOD
PNL	PANEL
PR	PAIR
PRELIM	PRELIMINARY
PRES	PLASTIC RESIN
PRESS	PRESSURE
PRIM	PRIMARY
PROJ	PROJECTION
PRV	POWER ROOF VENTILATOR
PT	PAINT
PTC	PAPER TOWEL CABINET
PTR	PRINTER
PVC	POLYVINYL CHLORIDE
PRKNG.	PARKING

Q

QT	QUARRY TILE

R

R	RADIUS
R	RISER
RA	RETURN AIR
RAD	RADIATION
RB	RESILIENT BASE
RD	ROOF DRAIN
RE	RELOCATE EXISTING
REC	RECESSED
REF	REFERENCE
REFR	REFRIGERATOR
REG	REGISTER
REINF	REINFORCE/-ED/-ING
REM	REMOVE
REQD	REQUIRED
RET	RETAINING
REV	REVERSE
REV	REVISE
RF	RESILIENT FLOOR
RH	ROOF HATCH
RM	ROOM
RO	ROUGH OPENING
RS	ROUGH SLAB
RWC	RAIN WATER CONDUCTOR

S

S	SINK
SCHED	SCHEDULE
SD	SHOWER DRAIN
SD	SMOKE DAMPER
SDISP	SOAP DISPENSER
SECT	SECTION
SECY	SECRETARY
SF	STORE FRONT
SF	SQUARE FOOT
SH	SHOWER
SHD	SHOWER HEAD
SHT	SHEET
SHTG	SHEATHING
SIM	SIMILAR
SL	SEALER
SLNT	SEALANT
SLV	SLEEVE
SM	SURFACE MOUNTED
SNC	SANITARY NAPKIN CABINET
SND	SANITARY NAPKIN DISPOSER
SOG	SLAB ON GRADE
SP	STANDPIPE
SPEC	SPECIFICATIONS
SPR	SINGLE PLY ROOF
SQ	SQUARE
SQ YD	SQUARE YARD
SR	SERVICE RECEPTOR
SS	SERVICE SINK
SST	STAINLESS STEEL
ST	STREET
ST	STONE TILE
STC	SOUND TRANSMISSION
STD	STANDARD
STL	STEEL
STN	STONE
STNL	STONE LEDGE
STOR	STORAGE
STRUCT	STRUCTURAL
STS	STEEL STRUCTURE
SUPV	SUPERVISOR
SUSP	SUSPENDED
SW	STEEL WINDOWS
SW	SWITCH
SWD	SOFTWOOD
SYM	SYMMETRICAL

T

T	TOP
TAN	TANGENT
TBD	TACKBOARD
TC	TIME CLOCK
TCAB	TOWEL CABINET
TDISP	TISSUE DISPENSER
TDR	TRENCH DRAIN
TEL	TELEPHONE
TEMP	TEMPERATURE
TER	TERRAZZO
TG	TONGUE & GROOVE
THRES	THRESHOLD
TPG	TEMPERED PLATE GLASS
TPH	TOILET PAPER HOLDER
TR	TREAD
TRANSF	TRANSFORMER
TS	TUBE SECTION
TV	TELEVISION
TYP	TYPICAL

U

U	URINAL
UC	UNDERCUT
UFD	UNDER FLOOR DUCT
UG	UNDERGROUND
UH	UNIT HEATER
UNFIN	UNFINISHED
UNO	UNLESS NOTED OTHERWISE
US	UTILITY SHELF
UTIL	UTILITY

V

VC	VALVE CABINET
VENT	VENTILATION
VERT	VERTICAL
VEST	VESTIBULE
VR	VAPOR RETARDER
VTR	VENT THROUGH ROOF

W

W	WIDTH/WIDE
W	WIDE FLANGE
W	WITH
W/O	WITHOUT
WC	WATER CLOSET
WC	WALL COVERING
WD	WOOD
W/D	WASH & DRYER
WDW	WINDOW
WG	WALL GUARD
WH	WALL HYDRANT
WHCH	WHEELCHAIR
WHTR	WATER HEATER
WP	WATERPROOF
WR	WASTE RECEPTACLE
WS	WEATHERSTRIP
WSCT	WAINSCOT
WT	WINDOW TREATMENT
WT	WEIGHT
WW	WOOD WINDOW
WWF	WELDED WIRE FABRIC

SHEET N°: A-02
SCALE: 1" = 1'-0"
DATE: 28/07/2021 17:14:28
DRAWN BY: FLM
AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

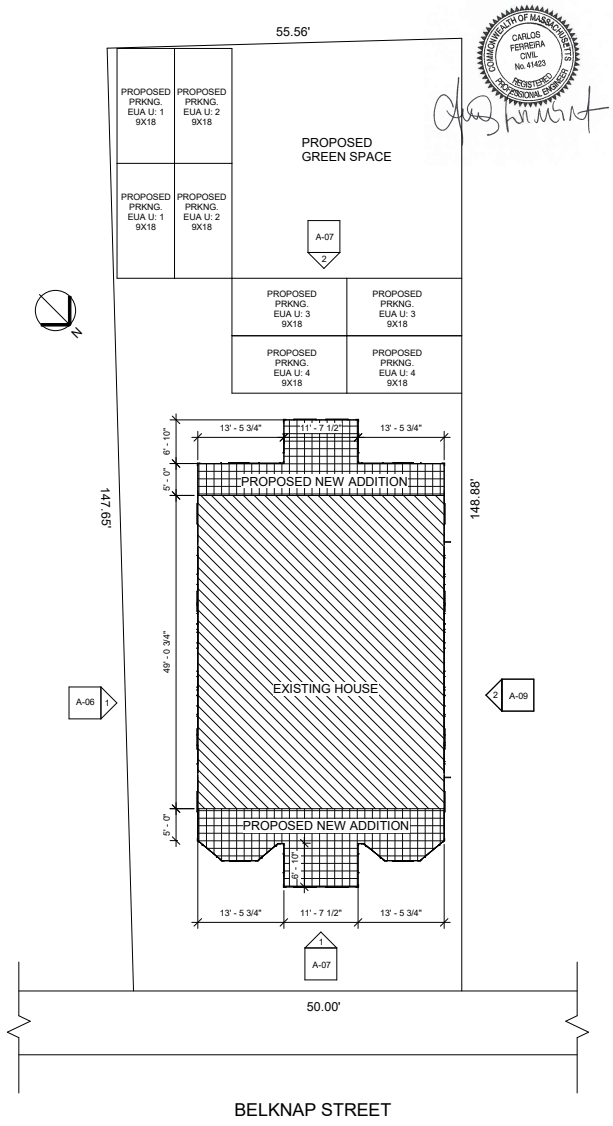
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CFERREIRA@MF-ENG.COM
PHONE: (508) 331-7261

Door Schedule		
Type Mark	Height	Width
D01	7' - 0 1/4"	2' - 7 1/2"
D01: 44		
D02	7' - 0 1/4"	2' - 11 7/16"
D02: 20		
D03	7' - 0 1/4"	4' - 7 1/8"
D03: 8		
D04	7' - 0"	3' - 4"
D04: 16		
D05	7' - 0 1/4"	4' - 11 1/16"
D05: 4		
D06	7' - 0"	5' - 0"
D06: 8		
Grand total: 100		

Window Schedule		
Type Mark	Height	Width
W01	2' - 10"	3' - 2"
W01: 12		
W02	4' - 0"	3' - 0"
W02: 60		
W03	2' - 0"	2' - 0"
W03: 2		
Grand total: 74		



2 BACK_2
12" = 1'-0"



1 Site
1" = 10'-0"

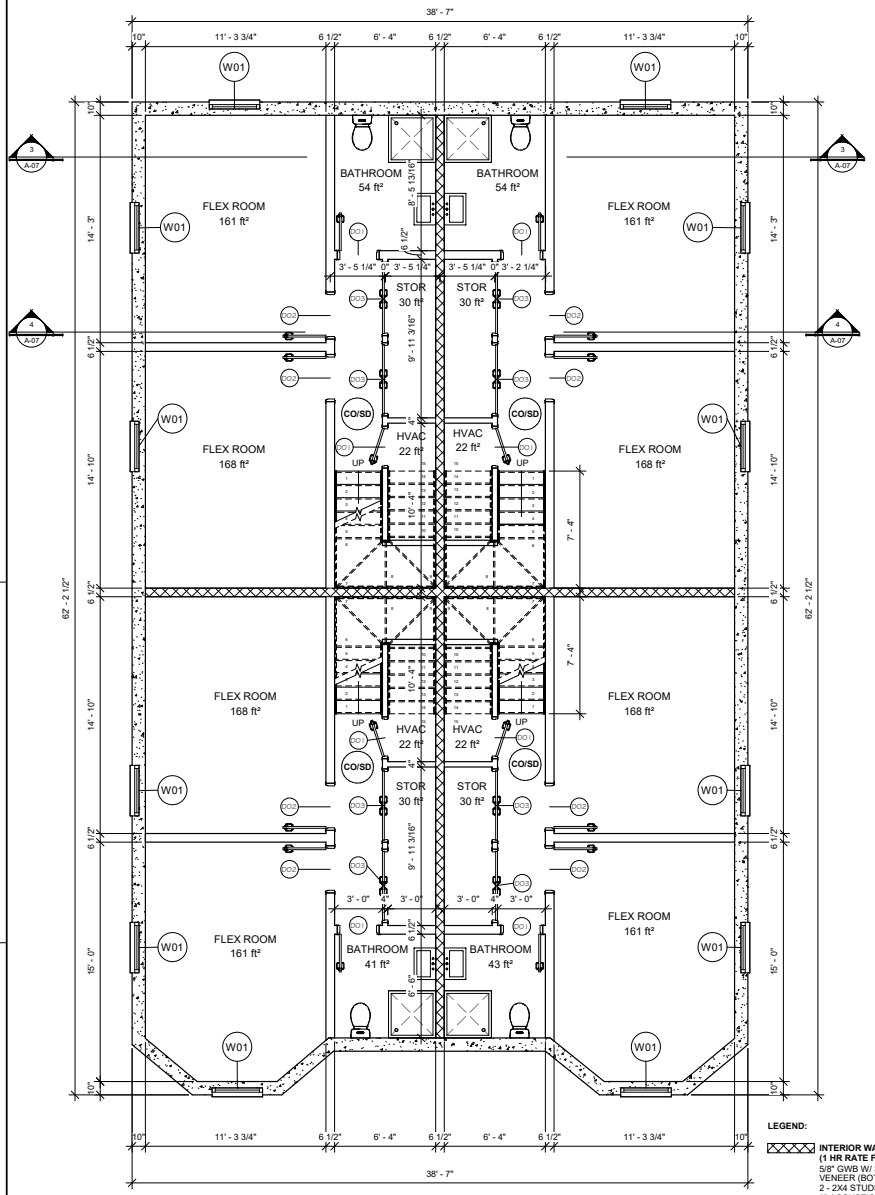
CARLOS FERREIRA CIVIL No. 41423 REGISTERED PROFESSIONAL ENGINEER
COMMONWEALTH OF MASSACHUSETTS

SHEET N°: A-03
SCALE: As indicated
DATE: 28/07/2021 17:14:49
DRAWN BY: FLM
AREA: 9143 ft²

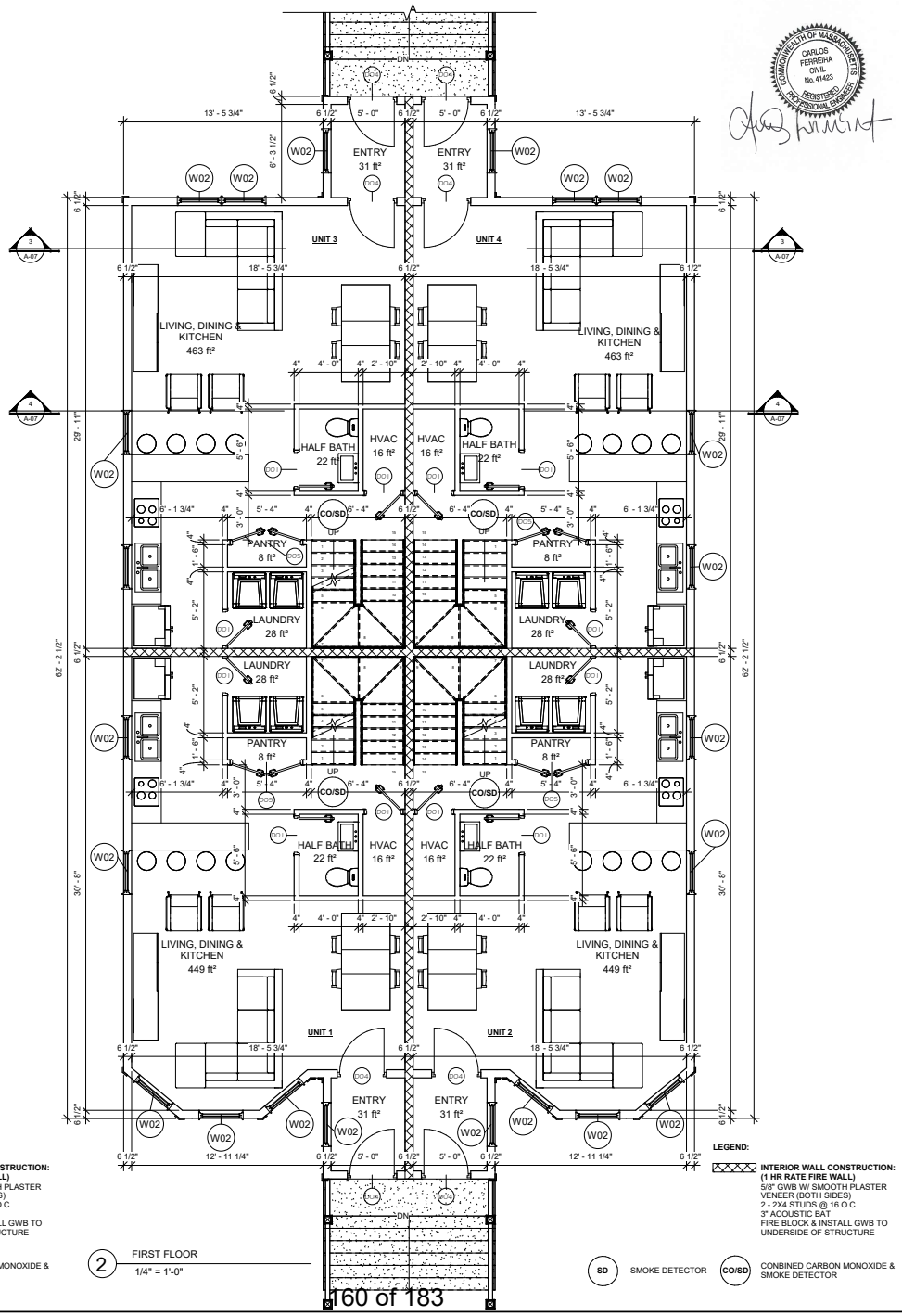
ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7281

ENGINEERING & DESIGNS



1 BASEMENT
1/4" = 1'-0"



2 FIRST FLOOR
1/4" = 1'-0"

SD SMOKE DETECTOR
CO/SD CONBINED CARBON MONOXIDE & SMOKE DETECTOR

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

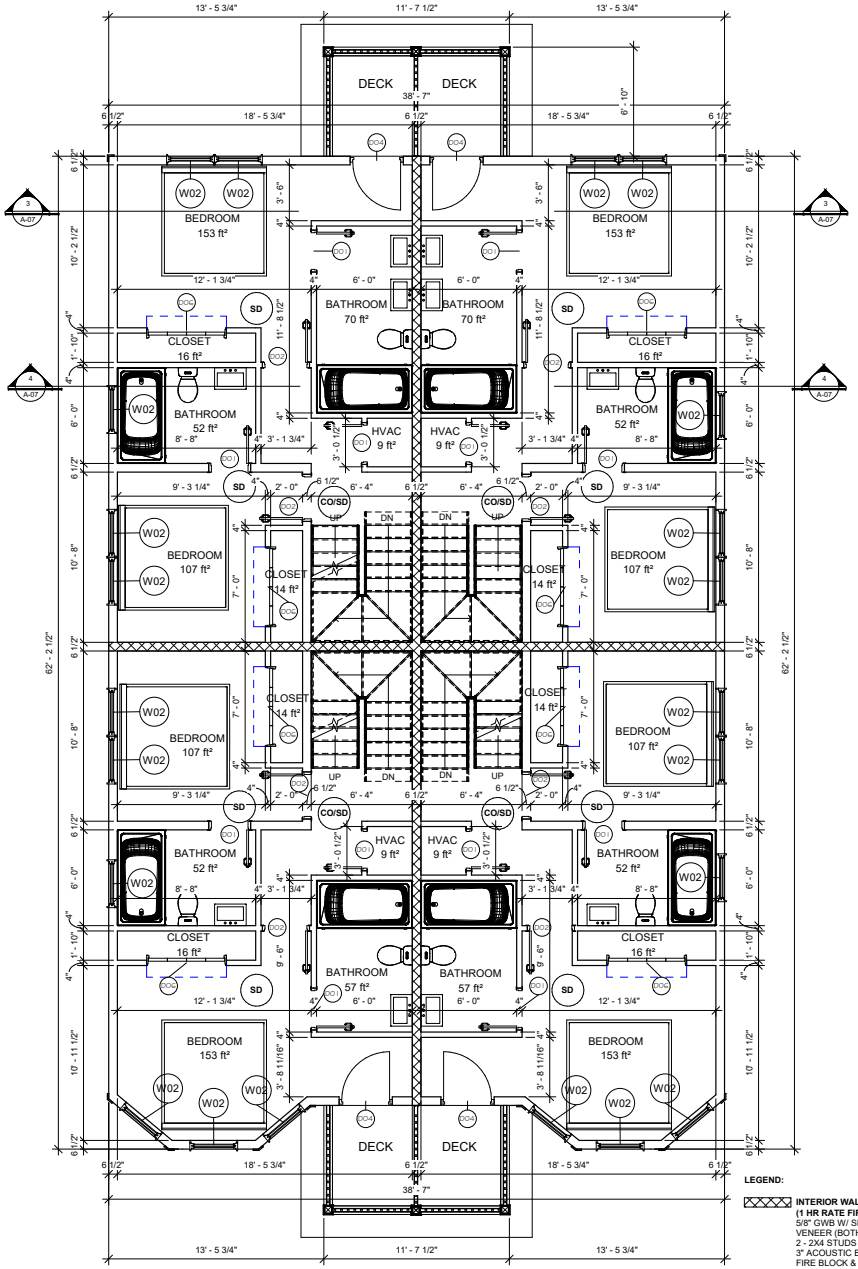
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

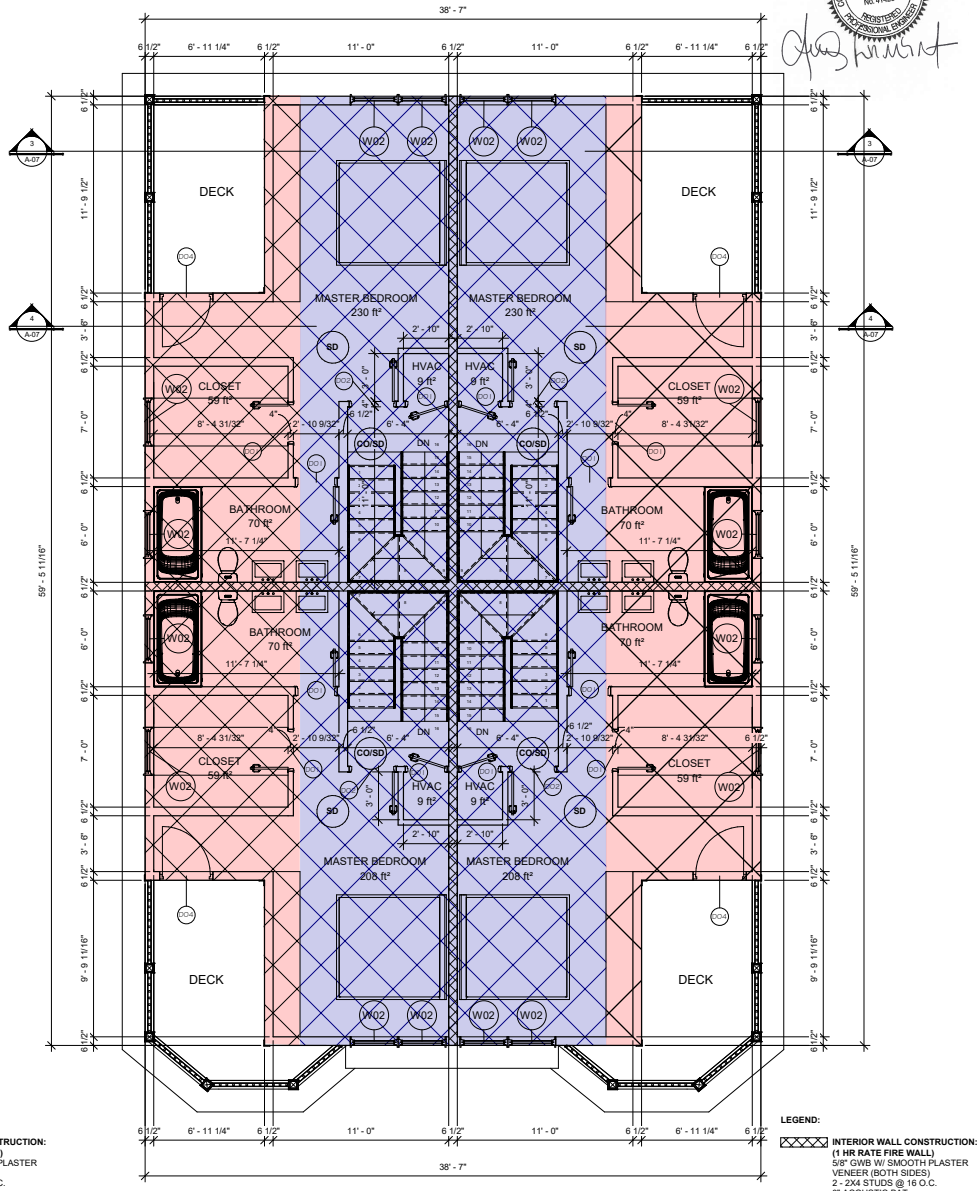
DRAWN BY: FLM
AREA: 9143 ft²

SCALE: 1/4" = 1'-0"
DATE: 28/07/2021 17:14:52

SHEET N°: A-04



1 SECOND FLOOR
1/4" = 1'-0"



2 THIRD FLOOR
1/4" = 1'-0"

LEGEND:

INTERIOR WALL CONSTRUCTION:
(1 HR RATE FIRE WALL)
5/8" GWB W/ SMOOTH PLASTER VENEER (BOTH SIDES)
2 - 2X4 STUDS @ 16 O.C.
3" ACOUSTIC BAT
FIRE BLOCK & INSTALL GWB TO UNDERSIDE OF STRUCTURE

SD SMOKE DETECTOR

CO/SD CONBINED CARBON MONOXIDE & SMOKE DETECTOR

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: A-05

SCALE: 1/4" = 1'-0"

DATE: 28/07/2021 17:14:55

DRAWN BY: FLM

AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261



1 South-East
1/4" = 1'-0"



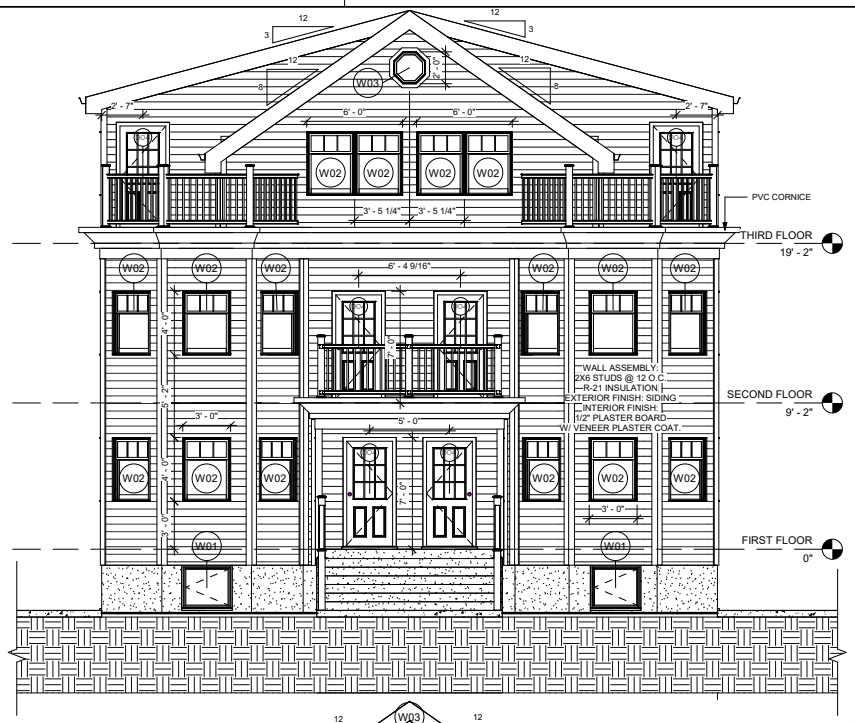
2 North-West
1/4" = 1'-0"

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: A-06
SCALE: 1/4" = 1'-0"
DATE: 28/07/2021 17:14:59
DRAWN BY: FLM
AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261



1 North-East
1/4" = 1'-0"



2 South-West
1/4" = 1'-0"



3 Section 2
1/4" = 1'-0"



4 Section 3
1/4" = 1'-0"

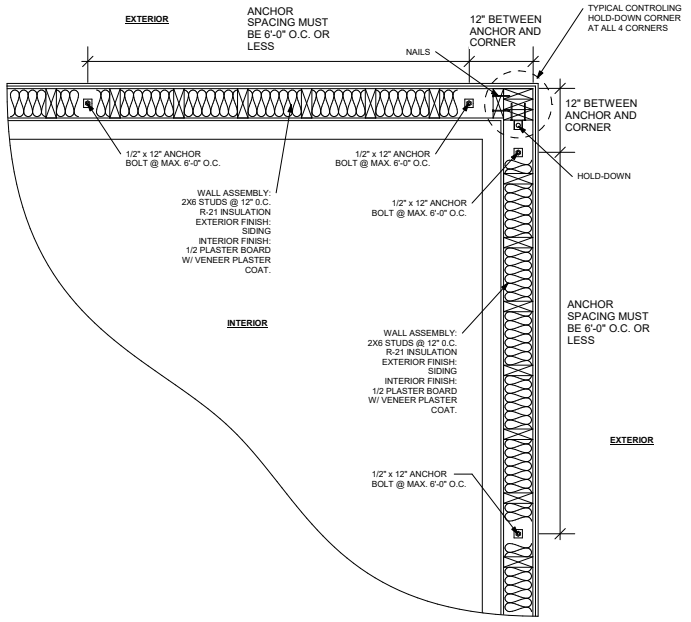
CARLOS FERREIRA
CIVIL
No. 41463
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: A-07
SCALE: 1/4" = 1'-0"
DATE: 28/07/2021 17:15:05
DRAWN BY: FLM
AREA: 9143 ft²

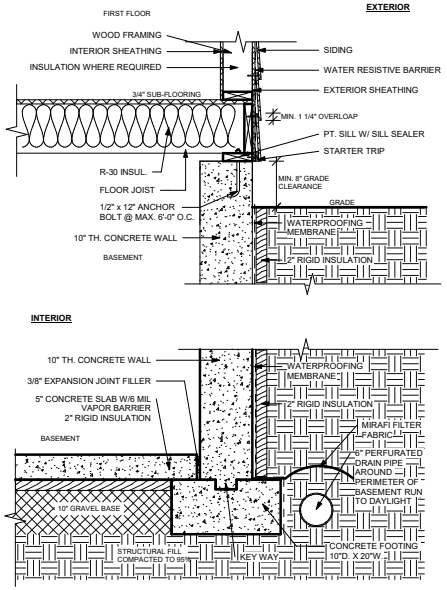
ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261

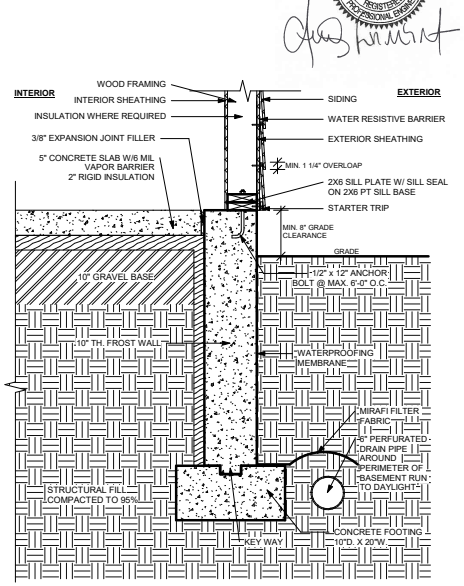
ENGINEERING & DESIGNS



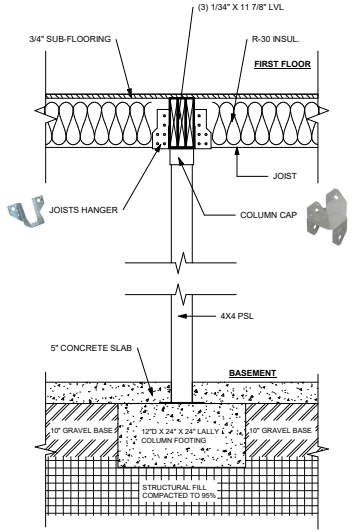
1 ANCHOR BOLTS



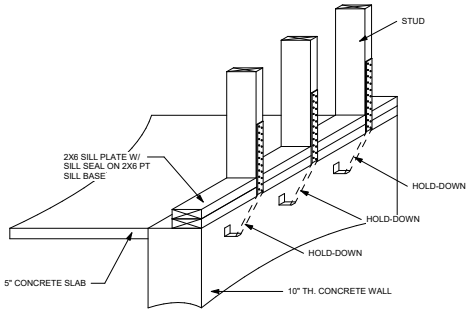
2 TYPICAL FOUNDATION WALL DETAIL



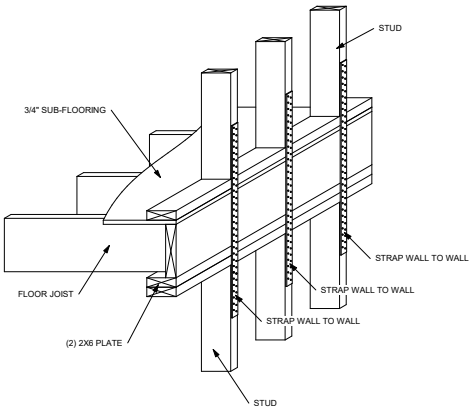
3 TYPICAL FROST WALL



4 TYPICAL LALLY COLUMN FOOTING & TOP



5 TYPICAL HOLD-DOWN IN CONCRETE



6 TYPICAL STRAP WALL TO WALL

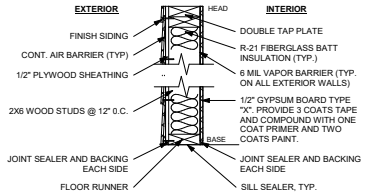
COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: A-08
SCALE: 1" = 1'-0"
DATE: 28/07/2021 17:15:05
DRAWN BY: FLM
AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

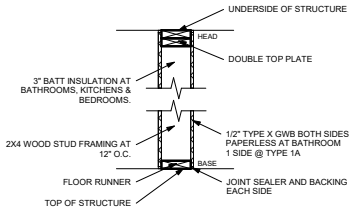
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7281

ENGINEERING & DESIGNS



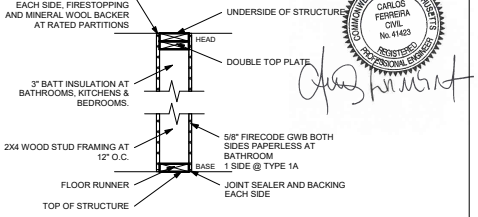
PROPOSED EXTERIOR WALL ASSEMBLY:
2X6 STUDS @16 O.C.
R-21 INSULATION
EXTERIOR FINISH:
SIDING
INTERIOR FINISH:
1/2" PLASTERBOARD
W/ VENEER PLASTER COAT

7 TYPICAL EXTERIOR WALL



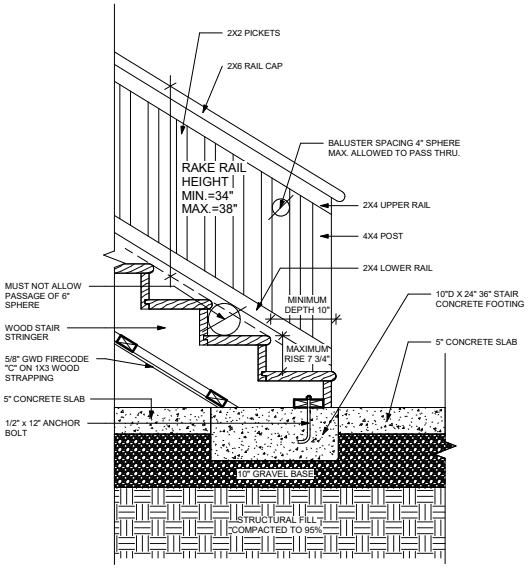
PROPOSED INTERIOR WALL CONSTRUCTION:
(EXCEPT 1 HR RATED WALLS)
1/2" GWB W/ SMOOTH PLASTER
VENEER (BOTH SIDES)
2X4 @ 16 O.C.
3" ACOUSTIC BATT @ ALL
BATHROOMS / BEDROOM WALLS
USE 2X6 WHERE REQUIRED FOR
PLUMBING DRAINS

8 TYPICAL INTERIOR WALL

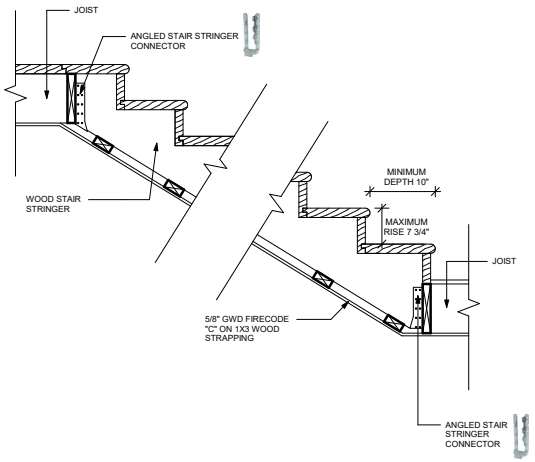


INTERIOR WALL CONSTRUCTION:
(1 HR RATE FIRE WALL)
5/8" FIRECODE GWB W/ SMOOTH PLASTER
VENEER (BOTH SIDES)
2X4 STUDS @ 16 O.C.
3" ACOUSTIC BAT
FIRE BLOCK & INSTALL GWB TO
UNDERSIDE OF STRUCTURE

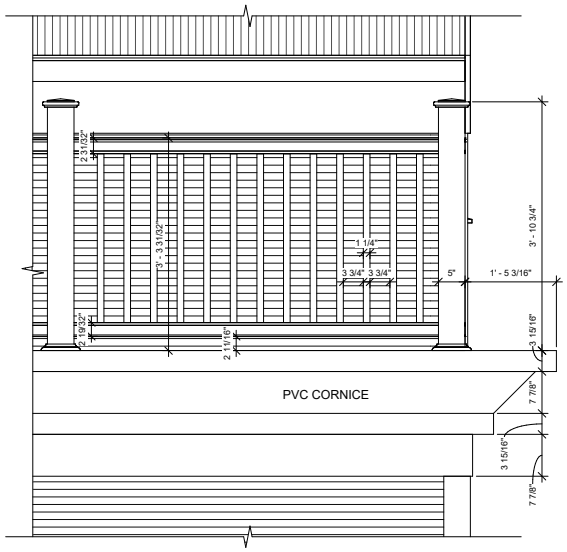
9 TYPICAL 1 HR RATED INTERIOR WALL



10 TYPICAL STAIR SECTION FOOTING



11 TYPICAL STAIR SECTION



12 DETAILING RAILING & CORNICE

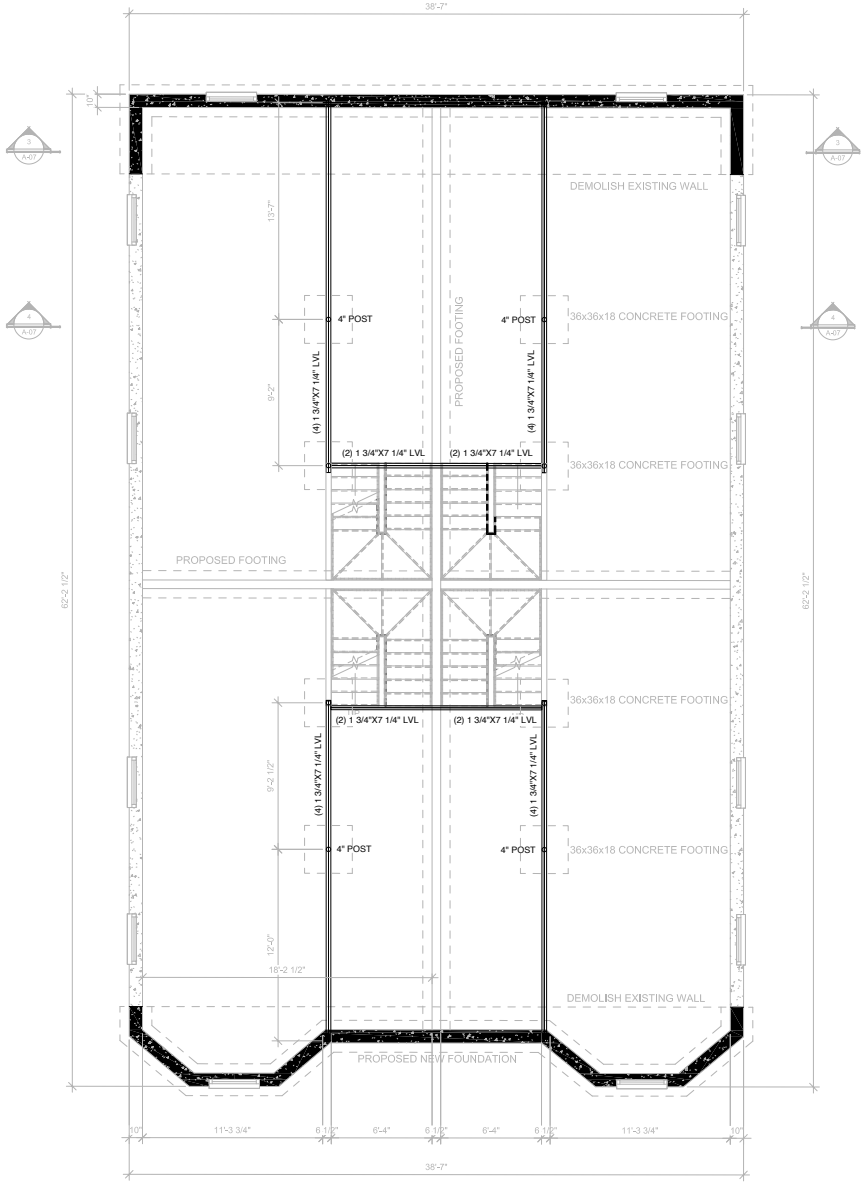
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

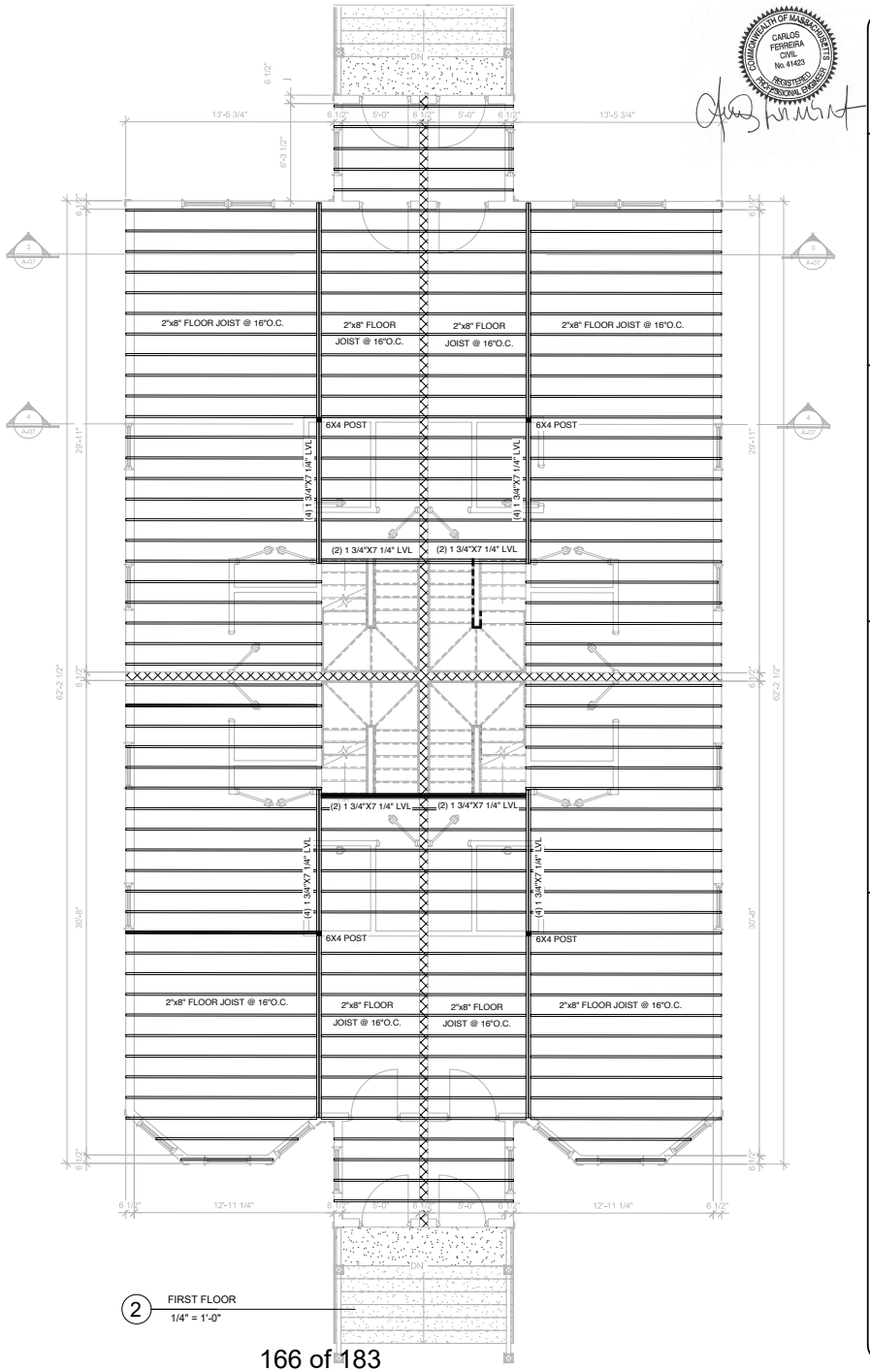
DRAWN BY: FLM
AREA: 9143 ft²

SCALE: 1" = 1'-0"
DATE: 28/07/2021 17:15:06

SHEET N°: A-09



1 BASEMENT
1/4" = 1'-0"



2 FIRST FLOOR
1/4" = 1'-0"

CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER
COMMONWEALTH OF MASSACHUSETTS

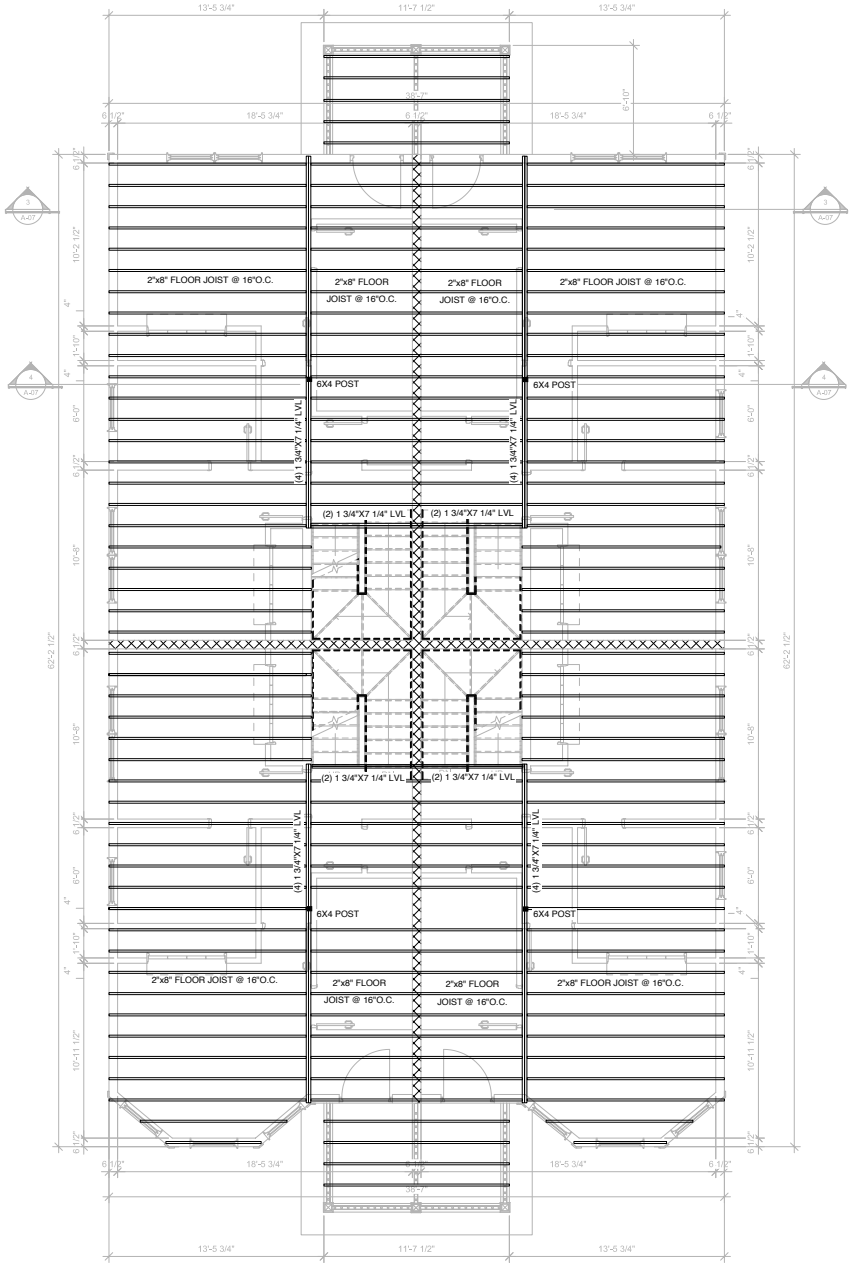
MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7281

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

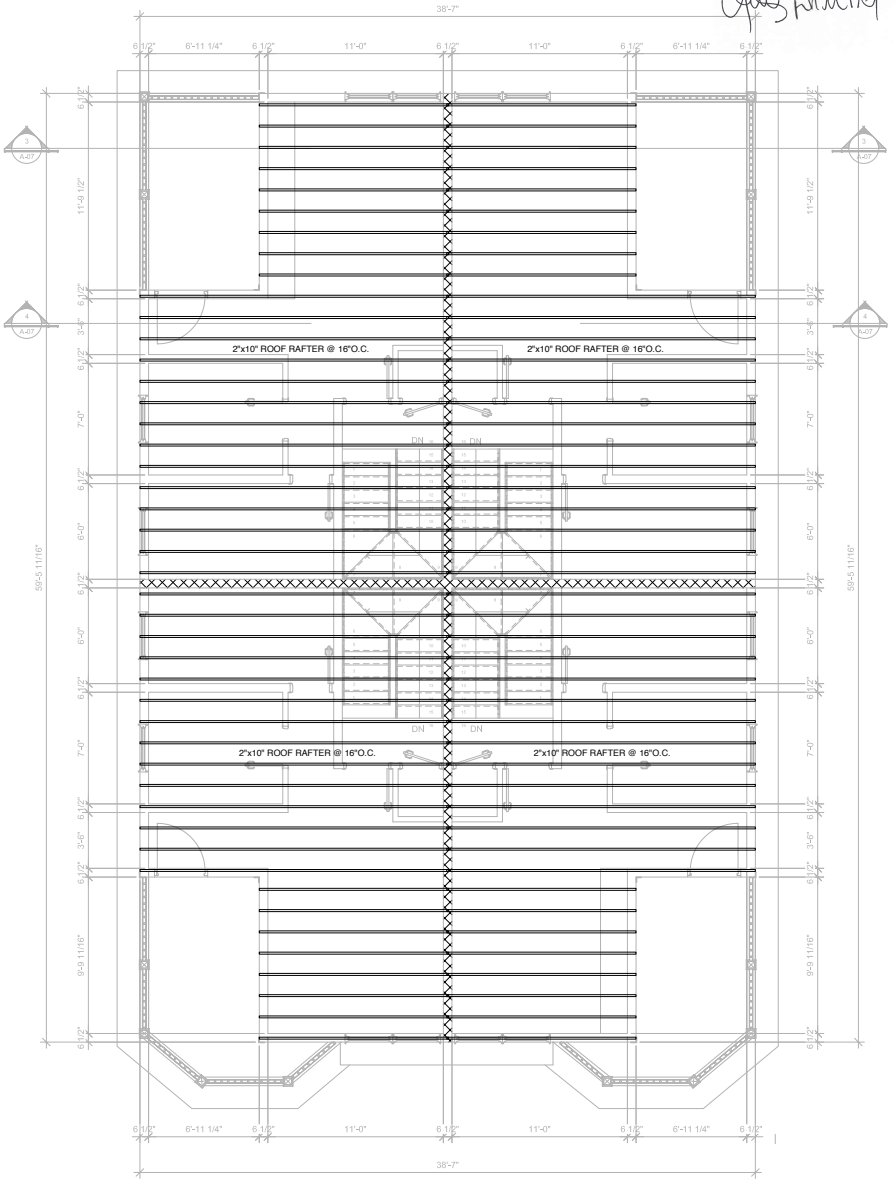
DRAWN BY: FLM
AREA: 9143 ft²

SCALE: 1/4" = 1'-0"
DATE: 28/07/2021 17:15:06

SHEET N°: S-01



1 SECOND FLOOR
1/4" = 1'-0"



2 THIRD FLOOR
1/4" = 1'-0"

COMMONWEALTH OF MASSACHUSETTS
CARLOS FERREIRA
CIVIL
No. 41423
REGISTERED PROFESSIONAL ENGINEER

SHEET N°: S-02

SCALE: 1/4" = 1'-0"

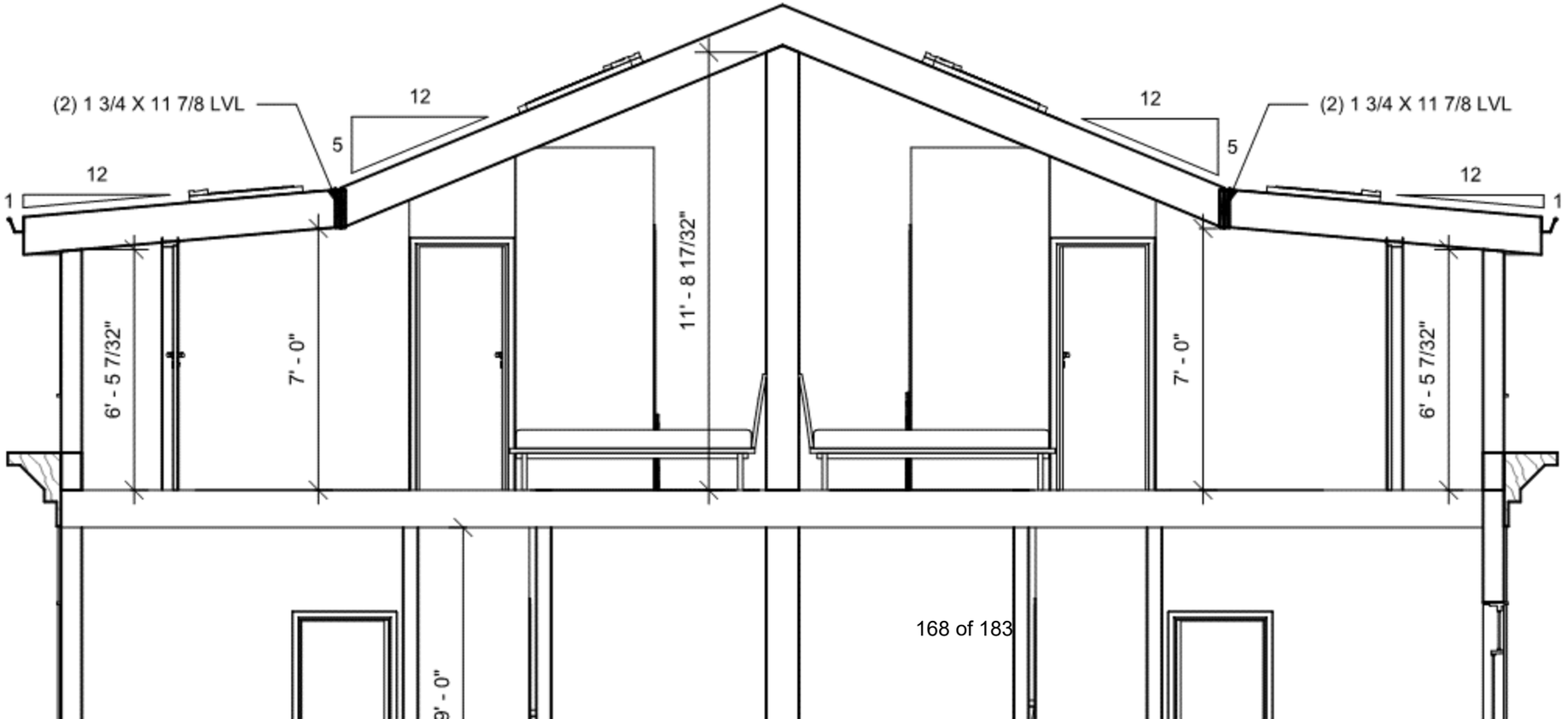
DATE: 28/07/2021 17:15:06

DRAWN BY: FLM

AREA: 9143 ft²

ADDRESS:
18-20 BELKNAP STREET
ARLINGTON, MA

MF ENGINNERING & DESIGN INC.
142 FISHER STREET
WESTBOROUGH, MA 01581
EMAIL: CARLOS.FERREIRA@MF-ENG.COM
PHONE: (508) 331-7261



THIRD FLOOR
19' - 2"



Town of Arlington, Massachusetts

Correspondence

Summary:
Correspondence received from:
A. Ellinger 7-6-2022
C. Loreti 7-6-2022
D. and P. Bermudes 7-8-2022
D. Seltzer 7-8-2022
D. Borenstein 7-11-2022

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	Correspondence_from__Anne_Ellinger_received_07062022.pdf	Correspondence from A. Ellinger received 07062022
🗋	Reference Material	Correspondence_from_C._Loreti_received_7-6-2022.pdf	Correspondence from C. Loretti received 07062022
🗋	Reference Material	Correspondence_from_D._and_P._Bermudes_received_07-8-2022.pdf	Correspondence from D. and P. Bermudes received 07082022
🗋	Reference Material	Correspondence_from_D._Seltzer_received_7-8-2022.pdf	Correspondence from D. Seltzer received 07082022
🗋	Reference Material	Correspondence_from_D._Borenstein_received_7-11-2022.pdf	Correspondence from D. Borenstein received 07112022

From: Anne Ellinger <anne.ellinger@gmail.com>
To: KLynema@town.arlington.ma.us, RZsembery@town.arlington.ma.us
Date: Wed, 6 Jul 2022 12:57:15 -0400
Subject: for meeting Mon. July 11 re: 18-20 Belknap

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Dear ARB members,

Please see the attached letter, which has questions for you from homeowners and residents who live near 18-20 Belknap St.

Please add this to the documents relative to this project, for the meeting on Mon. July 11th.

Thank you for all you do for Arlington.
Warmly,

Anne and Christopher Ellinger
21 Linwood St.
781-962-6363

July 6,2022

To: Arlington Redevelopment Board, Arlington, MA
From: Belmarlin Neighborhood Group (individuals listed below are mostly property owners)
RE: relative to 18-20 Belknap Street

We are writing to you today regarding an upcoming Redevelopment Board meeting relative to the property at 18-20 Belknap Street, which is scheduled for discussion at the July 11, 2022, Redevelopment Board meeting. We have some questions and significant concerns.

We are aware that this project was previously discussed by the ZBA in April and then deferred for consideration by the ARB. We are also aware that there were building permits approved prior to the owners being notified of the need for a special permit. A number of neighbors/property owners reviewed the documents from both the original ZBA agenda and those relative to the upcoming ARB meeting. Given the information we have, we have every interest in ensuring that the project meets expected regulations (setbacks, height limitations, etc.), and are presenting the following questions for your consideration and response.

1. Why is a special permit required? What is the nature of the project that is being considered by the ARB that would require a special permit?
2. What triggered the initial application to the ZBA for a special permit?
3. Was the original set of plans compliant with zoning regulations when the permits were signed?
4. Is the current state of the build out of compliance with zoning regulations? If so, what part of the build and/or plans are out of compliance?
5. Have the plans changed since permits were issued? If so, does this require a special permit?
6. Is there a difference between the approved plans and the current build? It appears that the renderings and architectural drawings submitted are different from the actual structure at this time. Will someone from the building department be going through the property to check on details?
7. Are there other aspects of the build that may be out of compliance that are not covered by this request for a special permit? (e.g., height, setbacks, green space to enclosed space ratio, livable space/gross enclosed space, roof angle/sky blockage requirement, attic classification vs living space classification, dormers, etc.)
8. Why is the top floor of the building referred to as an “attic/half story” when it houses the master bedroom and bathroom in each of the units, is well over ⅓ of the GFA of the floor beneath it?
9. What actions are necessary for the build to be in compliance?
10. Lastly, and perhaps most importantly, How will the board’s ruling/action in this case impact further development in our neighborhood and the town?

Thank you for your attention to this matter. We look forward to your thorough reply.

Respectfully submitted,

Sarah McLaughlin - Belknap St.
Taylor & Jenny Toole - Belknap St.
Gail & Betsy Leondar-Wright - Belknap St.
Deb & Peter Bermudes - Belknap St.
Begabati Lennihan - Belknap St.
Anne & Christopher Ellinger - Linwood St.
Christopher Vittal - Marion Rd.
Laura Tracey, Town Meeting Member, Pct. 6 – Marion Rd.
Michael & Beate Mannstadt - Marion Circle
Mindy Kornhaber - Harlow St.
Deborah Freed & Ian Boardman - Linwood St.
John Lapham - Linwood St.

From: Chris Loreti <cloreti@verizon.net>
To: Rachel Zsembery <rzsembery@town.arlington.ma.us>, EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, MTintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us
Cc: klynema@town.arlington.ma.us, Douglas Heim <dheim@town.arlington.ma.us>, Christian Klein <CKlein@town.arlington.ma.us>, Zoning Board of Appeals <zba@town.arlington.ma.us>, LDiggins@town.arlington.ma.us, DMahon@town.arlington.ma.us, JHurd@town.arlington.ma.us, SDecourcey@town.arlington.ma.us, ehelmuth@town.arlington.ma.us
Date: Wed, 6 Jul 2022 18:34:28 -0400
Subject: 18-20 Belknap St. EDR Application

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Dear ARB Members:

I write to offer the following comments regarding the application for an EDR Special Permit for 18-20 Belknap St. Arlington, which is to be heard by the ARB on July 11, 2022. Please make this email part of the official record for the hearing.

1. The Zoning Relief Sought by the Applicant is Outside the Jurisdiction of the ARB.

The applicant cites Environmental Design Review (EDR) section 3.4.2(A) of the Zoning Bylaw as the basis of the application because the property abuts the Minuteman Bikeway and involves reconstruction and a building permit. EDR also requires the need for a Special Permit, however, in addition to the building permit. In this case, a Special Permit cannot be granted because a 4-unit building is not a special permit use in the R2 zoning district, and thus EDR does not apply to this use.

The application also references Section 8.1.8 of the Zoning Bylaw. Section 8.1.8 only applies to developments that "...would require a special permit pursuant to Section 3.3, and Section 3.4 when applicable, if such activity were to commence as a new use..." The proposed use could not commence as a new use under existing zoning, with or without a special permit, as it is not allowed at all in the R2 district. Thus, Section 8.1.8 does not apply.

This 4-unit building pre-dates zoning. Its use may continue as a pre-existing non-conforming use, and one pre-existing non-conforming use (e.g., six-unit) may be changed to another use(e.g., four-unit) upon approval by the Zoning Board of Appeals (ZBA). The relevant sections of the Zoning Bylaw are *8.1.2 (B) Nonconforming Uses* and *8.1.4 Nonconforming Structures Other Than Single-Family or Two-Family Dwellings*. Both of these Zoning Bylaw sections are administered solely by the ZBA--not the ARB--and this application should be referred to them for action under those sections.

2. The Proposal Will Further Violate the Dimensional and Density Regulations of the R2 Zoning District in Violation of Section 8.1.4 of the Zoning Bylaw

It is beyond dispute that the structure at interest is neither a single-family nor a two-family home. Thus it is not subject to the same special treatment those types of uses receive. As clearly stated in Section 8.1.4 of the Zoning Bylaw, increasing violations of the zoning bylaw are not allowed. Yet that is what is proposed:

- The right side yard setback is insufficient, yet the wall on this side of the home is being extended toward the front and rear as well as vertically on the third floor.
- The FAR exceeds 0.35, the limit for permitted structures other than one-and two-family homes in R2, and this non-conformity is being increased by the additional floor area.
- Usable open space of the proposed development does not meet the requirements of the Zoning Bylaw and may also represent an increasing non-conformity. The applicant has apparently assumed that usable open space must be green space and thus claims none for the existing condition. That is not correct, paved areas may also be considered usable if they meet the other criteria for usable open space. (Thus, patios may count as usable open space, and traditionally have been counted as such.)

3. Only the ZBA Can Provide Relief for New or Increased Violations of the Zoning Bylaw in this Case

As a pre-existing non-conforming use with pre-existing dimensional non-conformities, only the ZBA has the authority to provide the zoning relief desired by the applicant. As noted above, increasing the dimensional non-conformities is simply not allowed for this four-family structure under Arlington's Zoning Bylaw. The only relief in that case is through the variance process. Only the ZBA, as the town's Board of Appeals, and not the ARB, is empowered to grant variances.

I understand the applicant has included the August 13, 2020 memo from Town Counsel to the ARB which purports that the ARB has broad authority to waive or modify provisions of the Zoning Bylaw. In fact, the ARB's authority to waive or modify the bylaw provisions are set out in the Zoning Bylaw itself. Any modifications beyond those allowed by the language of the bylaw require a variance. And as previously stated, only the ZBA can grant variances.

The ARB should not rely upon Town Counsel's memo. It was written to advance a specific political agenda (the approval of a hotel that violated the Zoning Bylaw) and contains numerous errors of fact and law. Since these errors have been previously pointed out to town officials and this memo remains posted to the ARB website, I can only assume this misinterpretation of the law is willful. I will soon be making a formal complaint about this memo, and will provide you with a copy.

Thank you for considering these comments.

Sincerely,
Christopher Loreti
56 Adams St.
Arlington, MA 02474

From: Bermudes <bermudes@verizon.net>
To: "klynema@town.arlington.ma.us" <klynema@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>
Date: Fri, 8 Jul 2022 17:47:07 +0000 (UTC)
Subject: Letter re: 18-20 Belknap St.

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Hello Kelly & Rachel:
We are sending along the attached letter to be included in the documents relative to 18-20 Belknap Street which will be discussed at the upcoming ARB meeting on July 11.
Thank you very much for your consideration and work.
Best,
Deb & Peter Bermudes

To: Arlington Redevelopment Board
From: Deb & Peter Bermudes
Date: July 8, 2022
RE: 18-20 Belknap Street

We are writing relative to the upcoming ARB meeting on Monday, July 11, when construction at 18-20 Belknap Street is scheduled to be discussed.

Having first been notified of the need for a special permit that was originally to be discussed by the Zoning Board in April, we gathered with other concerned neighbors and articulated our questions regarding the special permit that was being requested. We did not initiate the process, but were simply responding to the notice we received with those questions. That collaborative letter was recently submitted to the ARB as well. We are sending this letter independent of that.

Our primary question is: **what is the special permit for?** We submitted this question in April to the Zoning Board and have yet to receive an answer. Is this something the ARB can answer for us?

In their "background and intent" statement, the developer notes:

"Now that Spy Pond has already fully built out the building according to its permitted plans, including but not limited to—full gut renovation, expansion of the front and rear foundation and façade, expansion of the roofline, fully replaced foundation, all windows, doors, and skylights, all interior partition walls, all mechanicals (plumbing/electrical/HVAC), fully installed sprinkler system, full insulation, full wall sheathing (sheet rock), fully plastered walls, full roofing, partially completed exterior siding, and more[….]"

While we can imagine the frustration on the part of the builder after having invested so much time, energy and resources, the question of relevance to us is: how has their build eclipsed town regulations? **With everything else effectively built, what was it about the front and rear additions that encouraged the Building Department to stop exterior work back in the spring?**

Additionally, **does this project meet the requirements of zoning bylaw 6.1.11 D?**
That reads: "parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following:

(2) The area shall be effectively screened with suitable planting or fencing on each side that faces abutting lots used for residential purposes. The screening shall be within the lot boundaries and at least five feet and not more than six feet high. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from the building by a buffer strip of green open space not less than five feet wide and suitably planted.

(5) Parking and loading spaces other than those required for single-family and two-family dwellings shall be so arranged to avoid backing of vehicles onto any street."

Beyond that, Mr. Annese's documents raise a number of points which strike us as not germane to the issue at hand, but which we feel moved to comment on:

(1) *"Neighbors will enjoy increased property values*." As you might expect given our introductory comment, this consideration is of little interest to us (in fact, our property value has doubled since we purchased, even before such a project was begun). And with several neighbors likewise committed to issues of social justice and economic equality, we know our sentiment to be more widely shared.

(2) *"Home ownership and personal accountability in the neighborhood will increase."* Home ownership will necessarily increase with the sale of these properties. But the neighbors unhoused as a result of Spy Pond's development of 13-15 Belknap last year, for instance, were wonderful people—renters, mind you—accountable to their landlord and their neighbors. One's financial wealth does not automatically equate to their 'accountability,' integrity, or moral quality. And in a community that prides itself on diversity, such statements might be considered inappropriate.

(3) Referencing Benjamin Bray's letter regarding "troublesome prior use and occupancy." True. Living across the street from the house in question, we were sometimes within earshot of the disturbances he writes about. That said, we would never consider condo-izing as the only or even preferable solution. Who lives next to us is always a roll of the dice—be they renters or owners—regardless of the price they pay to live there.

To be transparent, our concern with developments such as this is on the basis that they exacerbate the trend already well established in the greater Boston area: the loss of affordable housing and, thereby, the exclusion of people of modest means. This, we know, is out of your purview, but it colors our critique.

While building specs might be massaged to paint a contrary picture, the physical presence of the new building has, as a result of their maximizing square footage, changed and is felt viscerally. Were similar projects to dot our neighborhood—this being Spy Pond Development's second in as many years—the very nature of our community will be altered. Again, another issue, but one related to the livability of Arlington's neighborhoods.

At the end of the day, our greatest concern is less about this particular project and more about what precedent our collective response sets for future projects. As residents of more than thirty years, we have committed significant time and energy toward making Arlington—and our neighborhood in particular—a welcoming place. We would like to see it continue to be a place of welcome affordable to, if not all, most.

Many thanks for your consideration and work.

From: Don Seltzer <timoneer@gmail.com>
To: Rachel Zsembery <rzsembery@town.arlington.ma.us>, KLau@town.arlington.ma.us, Eugene Benson <EBenson@town.arlington.ma.us>, MTintocalis@town.arlington.ma.us, Stephen Revilak <srevilak@town.arlington.ma.us>
Cc: Kelly Lynema <KLynema@town.arlington.ma.us>
Date: Fri, 8 Jul 2022 21:06:01 -0400
Subject: Docket #3704, 18-20 Belknap Street - Comments on Usable Open Space

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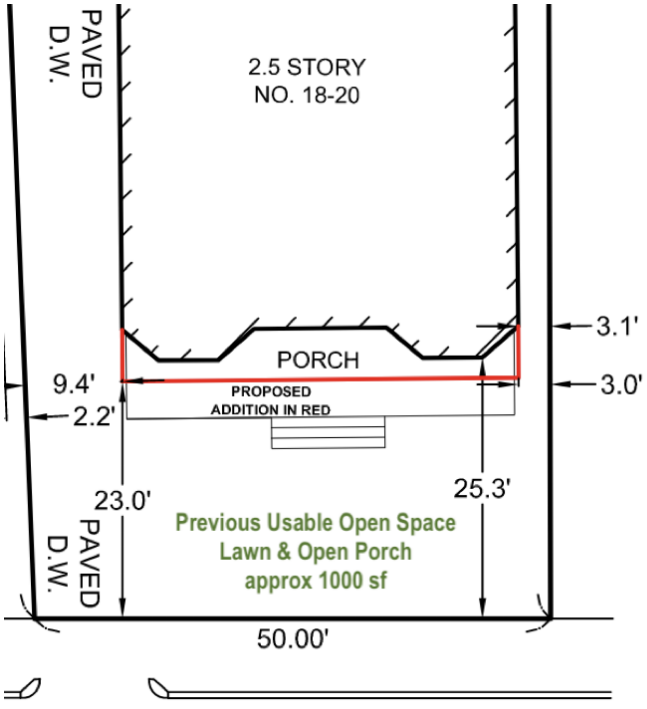
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To: Arlington Redevelopment Board

Usable Open Space Requirement for 18-20 Belknap St

The applicant for 18-20 Belknap St is asking the Board to grant a variance from the required usable open space as specified in the Zoning Bylaw, reducing it from 30% to 23%. At least a half dozen times in the application it is claimed that the prior lot had zero usable open space.

This is factually incorrect. The prior lot had a front yard and open porch that qualified as usable open space, meeting the standard of at least 25’ in all dimensions. This provided more than 1000 sf of qualifying usable open space in the front yard.



By reconstructing the front of the house and enclosing the open porch area, the applicant has effectively eliminated this 1000 sf of usable open space.

Furthermore, the rear yard comprises more than 3000 sf of area, some of which was formerly used for the parking of 6 vehicles. It is not credible to claim that all 3000 sf were devoted to parking and none of it qualified as usable open space. The definition of usable open space does not preclude paved surfaces. A basketball or tennis court are examples of such qualifying uses.

Both this Board and Town Meeting have voiced an objective of reducing residential parking. This application flies in the face of that goal. This lot could easily accommodate the bylaw requirement for open space, but the applicant is asking permission to instead convert some of this open space into excessive parking.

Don Seltzer

Irving St.

From: Don Borenstein <Don@jbllclaw.com>
To: "klynema@town.arlington.ma.us" <klynema@town.arlington.ma.us>
Cc: "chris@homehelperstoday.com" <chris@homehelperstoday.com>, "alissas2000@comcast.net" <alissas2000@comcast.net>, "dheim@town.arlington.ma.us" <dheim@town.arlington.ma.us>, "mciampa@town.arlington.ma.us" <mciampa@town.arlington.ma.us>
Date: Mon, 11 Jul 2022 19:51:19 +0000
Subject: 18-20 Belknap Street, Environmental Design Review, ARB Docket # 3704

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Dear Ms. Lynema,

Attached please find my letter to the Redevelopment Board on behalf of the Applicant, Spy Pond Development, LLC, explaining the Applicant's legal position and expressing its reservation of rights in connection with this evening's scheduled hearing. Would you please include this in the Board's record for this matter.

Thank you.

Regards,
Don

Donald F. Borenstein, Esq.
Johnson &
Borenstein, LLC
12 Chestnut Street
Andover, MA 01810
Phone: (978) 475-4488 ext 767
Fax: (978) 475-6703
Don@JBLLCLAW.com
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July 11, 2022

Via Email – Klynema@town.arlington.ma.us

Town of Arlington
Redevelopment Board
c/o Kelly Lynema, Planning & Community Development Director
730 Massachusetts Avenue
Arlington, MA 02476

Re: 18-20 Belknap Street
Environmental Design Review, Docket #3704

Dear Chair Zsembery and Redevelopment Board Members,

I write on behalf of Spy Pond Development, LLC ("Applicant"), owner of land located at 18-20 Belknap Street ("Property")[1], which land is the subject of a recently-filed application to the Redevelopment Board for a special permit ("Application") for Environmental Design Review ("EDR") under § 3.4 of the Town of Arlington Zoning Bylaw ("Bylaw"). The purpose of this letter is to provide Applicant's analysis of the Redevelopment Board's role relating to the ongoing renovation and conversion of the existing building on the Property ("Structure") from a six-unit residential building to a four-unit residential building ("Project").[2]

It should be noted that the Project is substantially underway and ongoing, with four building permits having been issued on September 24, 2021. At the recent request of Michael Ciampa,

[1] The Property is located in the Two-Family Zoning District ("R2 District").

[2] The Redevelopment Board's hearing and consideration of the Application is on the agenda of its public hearing scheduled for July 11, 2022.

Director of the Town's Inspection Services Department, the Applicant has submitted the Application to the Redevelopment Board, to address the Director's concern that such belated-approval may be necessary.

I. EDR Special Permit

A. Relevant Legal Authority

"*In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and (c) is one of the uses listed in subparagraphs A through I below*[3]*, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.*" See Bylaw, § 3.4.2.[4]

B. Reservation of All Rights and Defenses

Applicant filed the Application due to its a strong desire to cooperate with the Town of Arlington and as an opportunity to engage questions about the Project from abutters and neighborhood residents. However, Applicant reserves all rights and defenses concerning the validity of the outstanding building permits and the Redevelopment Board's jurisdiction over the Project. Stated differently, Applicant intends to take part in the Redevelopment Board's EDR special permitting process to attempt to review the Project in a manner which benefits all interested parties; however, Applicant does not thereby waive its right to pursue any future appeal contesting the applicability of § 3.4.2 of the Bylaw to the Project or to assert that the building permits were properly issued and remain valid.[5]

II. Dimensional Relief

A. Relevant Legal Authority

1. The Zoning Bylaw

[3] Subparagraph A provides, in pertinent part, "Construction or reconstruction on a site abutting . . . the Minuteman Bikeway." The Property narrowly abuts the Minuteman Bikeway, which is located to the rear of the Property and at a much lower elevation. The Property does not have any practical access to the Bikeway and lines of sight between the Bikeway and the Property are limited by the elevation change and dense vegetation.

[4] Of note, the purpose of the EDR special permitting process is "to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare." See Bylaw, § 3.4.1. However, via the Project, the exterior of the structure has only undergone minor changes, while lot coverage is being decreased and open space is being increased. As such, there has been no substantial impact on the character of the Town or property values. Likewise, reduction of the number of dwelling units on the Property should lessen traffic and impact on utilities.

[5] Specifically, Applicant does not concede that the Project requires both a building permit and special permit in accordance with use regulations for the R2 District, nor does it concede that the Project alters the façade of the Structure in a manner that affects the architectural integrity of the same. Please note, a further objection to the Redevelopment Board's jurisdiction is noted in Section II(B) below.

Under § 8.1.1(A) of the Bylaw, "Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood."

2. Commonwealth Law

a. Case Law

Under a binding 2019 decision from the Supreme Judicial Court, it was held that the " 'initial determination whether a proposed alteration of or addition to a nonconforming structure would 'increase the nonconforming nature of said structure'" should be made by the building inspector or zoning administrator. Bellalta v. Zoning Bd. of Appeals of Brookline, 481 Mass. 372, 380, n.10 (2019) (*internal citations omitted*). "'If the answer to that question is in the negative, the applicant will be entitled' to a [building] permit to proceed with the proposed alteration. 'Only if the answer to that question is in the affirmative will there be any occasion for consideration of the additional question,' that is, whether the proposed modification would be 'substantially more detrimental to the neighborhood'. Id. at 380-81 (*internal citations omitted*).

b. Statutory Law

Mass. Gen. Laws ch. 40A, § 8 provides, in pertinent part, "An appeal to the permit granting authority as the zoning ordinance or by-law may provide, may be taken . . . by any person including an officer or board of the city or town . . . aggrieved by an order or decision of the inspector of buildings, or other administrative official, in violation of any provision of this chapter or any ordinance or by-law adopted thereunder." In conjunction, the first clause of Mass. Gen. Laws ch. 40A, § 15 provides, "Any appeal under section eight to a permit granting authority shall be taken within thirty days from the date of the order or decision which is being appealed."

B. Applicant Does Not Require Any Relief

Between August 2, 2021, and September 27, 2021, Michael Ciampa, Director of Inspectional Services, issued several building permits approving the Project.[6] It would appear that these permits constituted the "initial determination" referenced under Bellalta. Importantly, there has been no appeal filed to challenge issuance of the Project's building permits, and the thirty-day limitation on appealing such permits has long expired. See Mass. Gen. Laws ch. 40A, §§ 8 & 15. As a result, it appears that the building permits issued for the Project are final and Applicant is entitled to complete the Project under such permits.

Indeed, it seems the building permits issued for the Project not only allow Applicant to proceed with the Project without requiring dimensional relief, but also allow the Project to proceed without an EDR special permit.

[6] See Building Permits 2021-1138, 2021-1530, 2021-1531, 2021-1532, and 2021-1533. All such permits remain valid, outstanding, and unrevoked as of this date.

C. Dimensional Relief Pursuant to EDR Special Permit

Though Applicant maintains it does not require an EDR special permit or dimensional relief for the Project, the Redevelopment Board may grant dimensional relief under § 8.1.1(A) of the Bylaw, so long as it makes a finding that the purported structural extension or alteration proposed under the Project is not "substantially more detrimental than the existing nonconforming structure to the neighborhood".[7]

While § 8.1.1(A), at first blush, seems to apply to the Board of Appeals, not the Redevelopment Board, it appears past practice within the Town and application of the EDR Bylaw have vested authority with the Redevelopment Board to issue dimensional relief as part of an EDR permitting process. Such interpretation of the Bylaw has been well outlined by Town Counsel, Doug Heim, in a thorough memorandum authored in 2020 and currently posted on the Town's website.[8] Additionally, Town Counsel has recently restated such interpretation of the Bylaw and its applicability for the Application to Applicant's project team and Director Lynema.

I hope this letter assists the Redevelopment Board in its consideration of the Project at its upcoming hearing. I look forward to working with the Redevelopment Board on the Project's completion.

Very truly yours,

JOHNSON & BORENSTEIN, LLC

Donald F. Borenstein
Donald F. Borenstein

DFB:gg

Cc: Douglas Heim, Esq., Arlington Town Counsel, ***via e-mail <dheim@town.arlington.ma.us>***
Kelly Lynema, Acting Director, Arlington Dept of Planning and Community Development, ***via e-mail <KLynema@town.arlington.ma.us>***
Michael Ciampa, Director, Arlington Inspectional Services Department, ***via e-mail <MCiampa@town.arlington.ma.us>***

[7] Importantly, the Project will improve the neighborhood, as outlined in the Application materials and as will be further discussed at the Redevelopment Board's hearing regarding this matter. Also of note, it is Applicant's position that the Project has not created and will not create any new nonconformities on the Property.

[8] See https://www.arlingtonma.gov/home/showpublisheddocument/52673/637340294495730000 ("[T]he ARB is an entity possessing substantial discretion and authority to exceed or waive the provisions of the Bylaw", including "broad discretion to provide modifications, or exceptions to dimensional [and] density . . . regulations" as part of the Environmental Design Review special permitting process).